

# Road User Charging Adjudicators' Annual Report 2008-09



## **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 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.

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## Chief Adjudicator's Foreword

I am pleased to present to the Secretary of State the sixth report of the Road User Charging Adjudicators (RUCA) for the year 2008-09.

Of the many changes that have occurred, the most important this year has been the move from New Zealand House to Angel Square. Fortunately we had the help of a very experienced project manager, Tony Bryan, and, other than a very few minor delays we moved to The Angel on schedule in February 2009.

It was very sad leaving the grandeur of New Zealand House after 6 years, but we had outgrown the accommodation there and change was inevitable.

Nothing can be more different than the Angel with its buzz of cosmopolitan London, ancient street market and mixture of residential and commercial life. We are now also served by several well known retailers.

Another significant change this year was the retirement of Margaret Brown, PA. Margaret goes back to the beginning of Parking and Traffic Appeals Service (PATAS) and we at the Road User Charging Adjudicator Tribunal (RUCAT) have only had the privilege of working with her for the last 6 years. We are all grateful for the help she has always provided generously doing whatever was required to sort out our administrative problems. We will miss her and can no longer say "Ask Margaret, she will know". We wish her a very happy retirement.

This year has seen a further decline in the number of appeals we were expecting. The much awaited Low Emission Zone (LEZ) has not produced more than a handful of appeals. This has resulted in Adjudicators now subject to a strict rota system and a reduction in the number of sittings available.

This year saw the decision by the Mayor to return the charging zone of the Congestion Charge to the original area with his decision, after consultation, to remove the Western Extension in due course.

We also understand there are plans to introduce an automatic card paying system. This should help motorists and reduce the number of appeals as it reduces the risk of forgetting to pay.

Since the start of the Congestion Charge in February 2003, the operations side of the business has been run by Capita. Initially there were severe problems but these were soon resolved and to date they have provided the RUCAs with an efficient service. From November 2009 IBM will take over this task. We hope that we will receive as efficient a service as Capita provided.

Another fall in work has been the decline of clamp and removal cases.

There has been no formal training for the past year. Originally there were plans to hold further training on the LEZ. As the LEZ failed to produce any significant increase in the number of appeals it was decided there was no need for further training.

On 1st October 2009 there is to be an annual meeting with all the Adjudicators. It will include some training as well as a talk on related judicial issues.

We are currently also conducting our tri annual appraisals of Adjudicators as recommended by the Judicial Studies Board. This process will help to identify any training needs.

Prior to the start of the Congestion Charge in 2003 the GLA entered into an agreement with The Association of London Government Transport and Environment Committee (now known as London Councils) for the provision of appeal services to Congestion Charging as required by Regulation 4 of the *Road User Charging (Enforcement and Adjudication) (London) Regs 2001*, as amended.

Under this agreement London Councils provides the RUCAs with the use of their facilities at PATAS.

This agreement was renewed in 2007 and expires in November 2009. The GLA are currently inviting tenders for the new contract.

This year, as part of cost awareness, this annual report was designed and produced in-house and published by a local firm. I would like to thank Mark Smith, without whose technical knowledge this would not have been possible.

Finally I would like to thank all the staff at PATAS for another year where they have continued to provide support to myself and the Adjudicators.

I would also like to thank all the Adjudicators whose contribution has made this another good year.

**Ingrid Persadsingh**  
**Chief Adjudicator**

# The Road User Charging Adjudicators

as at 1 April 2009

Mercy Akman	Maura Lynch
Jane Anderson	Joanna Lyons
Ian Coutts	Isaac Maka
Gordon Cropper	David Malone
Jane Cryer	Paul Middleton-Roy
Leslie Cuthbert	Ian Mohabir
Fiona Dickie	Michael Nathan
George Dodd	Belinda Pearce
Tony Edie	Martin Penrose
Gillian Ekins	Ingrid Persadsingh
Anthony Engel	Annabel Pilling
Andrew Harman	Luthfur Rahman
Angela Black Hedegard	Christopher Rayner
Fiona Henderson	Anita Reece
Anitra Hussein	Fiona Ryans
Ian Keates	Timothy Smith
Graham Keating	Alison Spicer
Maggie Kennedy	Jan Verman
Sanjay Lal	Anwen Walker
John Lane	Martyn Waygood
Francis Lloyd	Christopher Woolley



# Procedural issues

## Evidence produced by a prescribed device

In a number of appeals this year, Appellants have sought to challenge the photographic evidence produced by Transport for London and queried why Adjudicators presume that this evidence is correct.

What follows seeks to explain the starting position Adjudicators are required to adopt in relation to this evidence.

The Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, Regulation 6 states:

6. - (1) *Evidence of a fact relevant to Schedule 23 proceedings may be given by the production of -*

*(a) a record produced by a prescribed device, and*

*(b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised in that behalf by the charging authority who installed the device by means of which the evidence was produced.*

(2) *In paragraph (1) -*

*“Schedule 23 proceedings” means proceedings for an offence under Schedule 23 to the 1999 Act or proceedings before an adjudicator in relation to failure to comply with the provisions of a charging scheme; and*

*“prescribed device” means a camera or other device designed to produce a record -*

*(a) of the presence of a particular vehicle which is being used or kept on a road in a charging area in respect of which charges are imposed; and*

*(b) of the date and time at which it is present, and includes any equipment used in conjunction with the camera or other device for the purpose of producing such a record.*

*(3) A document purporting to be a record of the kind mentioned in paragraph (1) or to be a certificate signed as mentioned in that paragraph shall be deemed to be such a record, or to be so signed, unless the contrary is proved.*

## SUMMARY

Evidence of a fact may be given by production of a record produced by a camera together with a signed certificate.

Thus a camera, which produces a record of the presence of a vehicle in the charging area and the date and time it is present, the document purporting to be such a record (of the presence of the vehicle at that place in the charging area at the time and date) is deemed to be such a record (of the vehicle's presence at that place at the time and date) unless the contrary is proved.

Thus the photograph with its date and time produced by Transport for London is deemed to be a record of the vehicle at a particular place in the charging area at the time and date and when that record is produced it is evidence of a fact that the vehicle was at that place at that time and date until the contrary is proved.

Therefore, on the balance of probabilities the appellant may rebut Transport for London's photographic evidence.

The photograph with the accompanying time and date does not show the vehicle's earlier or subsequent journey into or out of the charging area.



## **Obtaining transcripts of hearings**

All proceedings before the Road User Charging Adjudicators are audio recorded.

On occasion, following an appeal hearing, requests have been made for a copy of the audio recording of the hearing for use either in an Application for Review before another Adjudicator or in other judicial proceedings.

Any party to the proceedings may apply for a transcript of the hearing. An application must be made in writing, with reasons in support of the request. The Chief Road User Charging Adjudicator considers all such requests.

The Parking and Traffic Appeals Service does not provide an in-house service for transcribing the audio record of judicial proceedings. If the Chief Adjudicator authorises the production of the transcript, the party requesting the transcript will be required to meet the costs of the preparation of the transcript. A Court transcribing service will usually prepare the transcript.

An estimate of the cost will be obtained first.

Whilst a party may request a typed transcript of the audio recording of a hearing, no party is entitled to a copy of the audiotape itself. Similarly, any notes made by the Adjudicator during the hearing are privileged judicial documents and are not open to the parties for inspection.

It is not open to Appellants to audio record the proceedings themselves.

## **Obtaining a copy of the Adjudicator's decision**

All parties to the proceedings are served with a copy of the Adjudicator's decision in the appeal giving the Adjudicator's written reasons.

Every decision is a matter of public record and can be obtained by non-parties to the appeal.

All decisions of the Road User Charging Adjudicators are entered into a Statutory Register as required by the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (as amended). The Register gives details of the names of the parties to the appeal, the vehicle registration mark and the Penalty Charge Notice number(s) in each case, together with the date the appeal was registered and full details of the decision made.

The Register is kept in electronic format and can be searched using various criteria. It is planned to amend the Statutory Register to include 'ground of appeal' and 'location of contravention' as separate search criteria.

The Register is open to public inspection, free of charge, at the Parking and Traffic Appeals Service Hearing Centre at Upper Ground Floor, Block 2, Angel Square, London, EC1V 1 NY during usual Tribunal opening hours.

Parking and Traffic Appeals Service staff can provide a Certified Copy of any entry on the Statutory Register on written request.

Additionally, a number of decisions which deal with key issues are reproduced on the Road User Charging Adjudicator website and can be searched for by reference to a particular case, decision date or subject area.

# Judicial Review applications

## **R (on the application of Ismaila Jabang) –v- (1) Transport for London and (2) The Parking and Traffic Appeals Service CO/10319/2007**

### ***Application for permission to appeal to the Court of Appeal – Human Rights, Article 6 – Right to a fair trial – independence of PATAS.***

On 3 April 2007, the Appellant's vehicle was used on a road within the Congestion Charge Zone at a time when a Congestion Charge was payable. A Penalty Charge Notice was served on the Appellant by Transport for London. The Appellant made representations against the Penalty Charge Notice and Transport for London served a Notice of Rejection. The Appellant in turn appealed to the Road User Charging Adjudicator, requesting a personal hearing of his appeal.

The Parking and Traffic Appeals Service wrote to the Appellant offering him a personal hearing before the Adjudicator. The Appellant notified the Tribunal that he was unwell and was not able to attend. The Tribunal fixed an alternative hearing date. A second application from the Appellant to adjourn the hearing was granted, again on grounds of ill health. A further hearing date was fixed. The Appellant made a third application to adjourn the hearing. The Adjudicator refused the application to adjourn, noting that no evidence had ever been provided from the Appellant to support the assertion of ill health. The Adjudicator had regard to the delay in the proceedings, the nature of the Appellant's case and that all evidence had already been filed by both parties. The hearing was scheduled to be heard on the papers without an oral hearing. The appeal was dismissed.

The Appellant applied to Review the decision of the Adjudicator to dismiss his appeal. The Application for Review was listed for a personal hearing before a different Adjudicator. Two further applications to adjourn the Review hearing were granted. A third application to adjourn the Review hearing was dismissed, a sixth adjournment application in total. The Application for Review was considered and dismissed and the decision of the original Adjudicator to reject the appeal was upheld.

The Appellant filed an application with the High Court seeking permission to apply for Judicial Review of the Adjudicator's decision. The Appellant asserted that his right to a fair trial under Article 6 of the European Convention on Human Rights had been infringed. In refusing permission, HHJ Mackie QC, sitting as a Deputy High Court Judge on 29 January 2008, held:

*"The Claimant's grievance was properly and fairly considered by the Defendant [Transport for London] and by the independent appeal body PATAS. His European Convention on Human Rights rights have not been infringed."*

The Appellant renewed his application for permission to apply for Judicial Review. At an oral hearing, his application was refused by Collins J on 6 May 2008. Permission to appeal was also refused.

The Appellant made an application to the Court of Appeal for permission to appeal. On 13 October 2008, the application for permission to appeal was refused by the Rt Honourable Lord Justice Jackson as being "totally without merit". It was held:

*"Collins J quite rightly refused permission to proceed with the proposed claim for Judicial Review. There is no error of law in Collins J's decision".*

## **R (on the application of Bryan T Latter ) –v- (1) Transport for London and (2) The Parking and Traffic Appeals Service CO/4453/2008**

### ***Duty on road users to inform themselves of Congestion Charge Zone boundaries – sufficiency of signage - mitigation is not a ground of appeal***

The Appellant appealed to the Road User Charging Adjudicator against the decision of Transport for London to reject his representations following service of a Penalty Charge Notice. The Appellant asserted that he had been totally unaware that he had entered the Congestion Charge Zone at the time of the contravention. The Appellant asserted that, following receipt of the Penalty Charge Notice, he had retraced his steps and asserted that the road signs alerting road users to the Congestion Charge Zone entry point could easily have been obscured by large vehicles such as a lorry or bus.

The Adjudicator found that a regulatory road sign was in situ at the time of the contravention together with a distinctive 'C' marking on the road. The Adjudicator found that the Congestion Charge Scheme imposes strict liability on road users and that the onus is placed very firmly on motorists to inform themselves of the Congestion Charge Zone boundaries. The Adjudicator found that the Appellant's representations amounted to mitigation only and not a ground of appeal. Not having the power to consider mitigation the appeal was dismissed accordingly.

The Appellant applied to Review the decision of the Adjudicator. The reviewing Adjudicator dismissed the Application for Review, finding that the original Adjudicator made the correct decision in law. Further, it was held that the original Adjudicator was entitled to find that the Appellant's mitigation did not give rise to a ground of appeal, following the decision of the Court of Appeal in *Walmsely –v- Transport for London* [2005] EWCA Civ 1540.

The Appellant made an application to the High Court for permission to apply for Judicial Review. At an oral hearing on 14 August 2008, Mr Ockelton QC sitting as a Deputy High Court Judge refused permission.

## **R (on the application of Victor George Lilley) –v- (1) Transport for London and (2) The Parking and Traffic Appeals Service and Others**

### ***No jurisdiction of the County Court in Congestion Charge appeals – Congestion Charge Scheme neither ultra vires nor unreasonable***

The Appellant appealed to the Road User Charging Adjudicator against the decision of Transport for London to reject his representations following service of a Penalty Charge Notice. The Appellant had asserted that he had been aware of the existence of the Congestion Charge Scheme but that he was unaware of the hours of operation of the Scheme, that he had not been aware that he had crossed the Congestion Charge Zone boundary and that he was unaware of the time limits for paying the Congestion Charge.

The Adjudicator dismissed the appeal on 3 November 2005 finding that there was a duty on road users to familiarise themselves with the Congestion Charge Scheme.

The Appellant applied to Review the decision of the original Adjudicator. The Appellant's Application for Review was dismissed on 5 December 2005. The Reviewing Adjudicator found that the original Adjudicator had made the correct legal decision and that no grounds of review had been established.

On 7 September 2006, the Appellant issued proceedings in the County Court against Transport for London and The Parking and Traffic Appeals Service, claiming the sum of £45.00, being a refund of the penalty charge he had paid to Transport for London, less the value of the £5.00 Congestion Charge he accepted was payable. On 9 January 2007, District Judge Jones sitting at Uxbridge County Court ordered that the Appellant's claim be struck out, the County Court having no jurisdiction to deal with what was effectively an appeal to the Adjudicator.

The Appellant applied for permission to appeal the decision of District Judge Jones. On 4 April 2007, His Honour Judge Paul Collins CBE sitting at Central London County Court refused permission to appeal on the papers. The Appellant applied for an oral hearing of his application for permission to appeal. His Honour Judge Bailey sitting at Central London County Court on 29 June 2007, on hearing the Appellant in person, dismissed the application for permission to appeal. Further permission to appeal was refused.

The Appellant made a further application to appeal. On 1 October 2007, His Honour Judge Paul Collins CBE sitting at Central London County Court dismissed the application for further permission to appeal on the papers. It was held that the Court had no jurisdiction to entertain a second application for permission to appeal, that the appeal was out of time and that the appeal was "totally without merit". The Appellant applied for the decision to be reconsidered at a hearing. On 11 January 2008, on hearing the Appellant in person, His Honour Judge Paul Collins CBE dismissed the application.

In August 2008, the Appellant filed with the High Court an Application for Permission to apply for Judicial Review. The application was made against eight Defendants, The Parking and Traffic Appeals Service, Transport for London, Central London County Court, Her Majesty's Court Service Civil Law and Justice Division, the Civil Procedure Rule Committee, the Master of the Rolls, Uxbridge County Court and the Parliamentary Under Secretary of State for Tribunals and Administrative Justice and the Ministry of Justice. The Appellant claimed damages of £12.4 million.

The Appellant's application for permission to apply for Judicial Review was dismissed by the Honourable Mr Justice Foskett on 27 October 2008. The Judge observed:

*"Part of the Claimant's case is that the whole Congestion Charge Scheme is itself ultra vires and unreasonable...that argument is wholly misconceived and doomed to fail. Equally, the purported challenge to the Penalty Charge Notice and the matters that followed thereafter are not amenable to public law challenge: the Claimant has sought to challenge these matters through the only avenues open and there is no basis for any kind of remedy via Judicial Review...there is no possible basis for the Claimant obtaining relief by way of Judicial Review against PATAS...on behalf of the other Defendants, it is quite plain that the claims are misconceived and doomed to fail. All the claims advanced are wholly without merit and in any event sufficiently out of time for the court to decide to dismiss them without consideration of the merits."*

The Appellant was ordered to pay Transport for London's costs in the sum of £1,455.

The Appellant renewed his application for permission to apply for Judicial Review at an oral hearing. On 30 January 2009, His Honour Judge McKenna, sitting in the Administrative Court dismissed the Appellant's application on the grounds that it was "wholly without merit".

# Recent developments

## Western Extension Zone – the future

Following his appointment, the Mayor of London, Boris Johnson, ran a non-statutory consultation from 1 September to 5 October 2008 as to the future of the Western Extension of the Congestion Charge Zone. This had been part of his election manifesto and the consultation set out various options:

- 1) to keep the Western Extension as it is;
- 2) to remove the Western Extension; or
- 3) to change the way that the scheme operates.

Three specific options for changing the scheme were suggested:

- a) to introduce an account-based payment system;
- b) to introduce a charge-free period in the middle of the day in the Western Extension; or
- c) to increase the Resident's discount from 90 per cent to 100 per cent.

Respondents were also invited to say if there were other changes they would like to see made to the Western Extension.

The consultation attracted nearly 28,000 responses. Overall, 69 per cent of individuals and businesses responding to the public consultation supported the removal of the Western Extension. Nineteen per cent stated that they wanted the extension kept as it is, and 12 per cent supported changing the scheme to improve the way that it operates.

On 27 November 2008 the Mayor of London announced his intention to remove the Western Extension of the Congestion Charging zone.

Transport for London (TfL) have indicated that they will now progress the necessary statutory consultations that need to take place before any changes can be made to the scheme. This will involve a revision of the Mayor's Transport Strategy and a further statutory consultation on a variation to the Congestion Charging Scheme Order.

The earliest that the Western Extension could be removed is 2010 and until the Mayor confirms a Variation Order removing the Western Extension, the £8 daily Congestion Charge continues to apply Monday to Friday 07:00 to 18:00 in the entirety of the Congestion Charging zone, including the Western Extension.

## Low Emission Zone - an update

Following his appointment the Mayor of London, Boris Johnson, announced his intention to suspend the third phase of the Low Emission Zone (LEZ), which was due to affect vans and minibuses from October 2010.

The proposed changes to the scheme will be subject to public consultation and would need to be confirmed by the Mayor once he has reviewed the outcome of the consultation.

Details of the proposed changes and the associated consultation will be published on Transport for London's (TfL's) website in due course and operators will have the opportunity to respond to the proposals at this stage.

TfL is advising operators of vehicles affected by the third phase of the LEZ that they should not take any action until the outcome of the consultation is confirmed.

A draft revision to the Mayor's Transport and Air Quality Strategies reflecting his intention to remove the third phase of the LEZ will be the subject of a 12-week public and stakeholder consultation scheduled for late summer 2009. TfL will also need to consult the public and stakeholders on the necessary changes to the LEZ Scheme Order before the Mayor can decide whether to formally remove phase three based upon the results of the consultation.

The LEZ was introduced on February 4 2008. Phase three of the LEZ was due to start on 4 October 2010 affecting light goods vehicles and vans up to 3.5 tonnes, minibuses under 5 tonnes, and specialist vehicles including motor caravans and horseboxes between 2.5 - 3.5 tonnes.

## Adjudicators' Independence

Each of the Road User Charging Adjudicators is independent of the parties in the appeals. Each Adjudicator was appointed by the former Lord Chancellor's Department, now the Ministry of Justice and was judged to have the following competencies and abilities:

- Integrity and independence
- Fairness and Impartiality
- Intellectual and analytical ability
- Sound judgment
- Decisiveness
- Communication and listening skills
- Authority and case management skills
- An understanding of people and society
- Maturity and sound temperament
- Courtesy, commitment, conscientiousness and diligence

Neither Transport for London nor an Appellant has any say in the appointment of Adjudicators or their removal from office.

Additionally, the Adjudicators are appraised to ensure that they each continue to meet the highest standards. The aims of the ongoing system of appraisal are:

- To ensure that all Adjudicators possess and apply an appropriate level of knowledge concerning the jurisdiction, law and procedure of the Road User Charging Tribunal
- To ensure and promote equal treatment for all involved with the Tribunal
- To ensure the fair and timely disposal of hearings
- To ensure that all relevant issues are addressed by eliciting and managing evidence
- To ensure effective deliberation, structured decision-making and disposal of the case

In addition to sitting as Road User Charging Adjudicators, each Adjudicator is qualified as either a barrister or a solicitor. Many of the Adjudicators also sit in a judicial capacity in a broad variety of other Tribunals and Courts.

Some of the other many other judicial and public appointments held by the Adjudicators include the following:

- Chair of the General Medical Council Fitness to Practice Panels
- Chair of the Information Tribunal
- Chair of the Leasehold Valuation Tribunal
- Chair of the Rent Assessment Committees

## Adjudicators' Independence (continued)

- Chair of the Residential Property Tribunal
- Deputy District Judge (County Court)
- Deputy District Judge (Magistrates' Court)
- Immigration Judge of the Asylum and Immigration Chamber of the First-Tier Tribunal
- Independent Adjudicator for Companies House
- Independent Member for the Armed Forces' Services Complaints Panel
- Legal Assessor for the General Medical Council Fitness to Practice Panels
- Vice President, Valuation Tribunal for England

The Road User Charging Adjudicators Tribunal greatly benefits from the skills and experience brought to it by its Adjudicators from other jurisdictions.

### What qualifications do Adjudicators have?

All Road User Charging Adjudicators must be a qualified lawyer (a Solicitor or Barrister) and have been qualified for 5 or more years. They are independent of Transport for London and will reach an objective decision based upon the evidence presented to them and applying the relevant law.

## Role of Chief Adjudicator

The Chief Adjudicator is a non-statutory role.

The position has been created by the GLA to ensure the efficient administration of the Adjudicators.

The Chief Adjudicator's judicial function remains that of any other Adjudicator.

Any powers exercised by the Chief Adjudicator derive from their appointment as an Adjudicator and the Chief Adjudicator remains independent of the GLA, London Councils and Transport for London



## The jurisdiction of the Local Government Ombudsman

The Local Government Ombudsman will not ordinarily deal with complaints where Parliament has provided another form of redress such as by way of an appeal to an independent body or through the courts and where it is reasonable to expect that right to be used.

The Road User Charging (Charges & Penalty Charges) (London) Regulations 2001 as amended and the London Low Emission Zone Charging (Variation) Order 2007 provide a statutory right of appeal to the Road User Charging Adjudicators against the issue of penalty charge notices arising from an alleged Congestion Charge or Low Emission Zone contravention.

The Ombudsman will not normally investigate complaints about penalties where one of the six statutory grounds of appeal apply, namely that:

- the recipient was not the registered keeper at the time of the contravention;
- the Congestion Charge had been paid;
- no Penalty Charge is payable under the Charging Scheme;
- the vehicle had been used without the consent of the registered keeper;
- the penalty exceeded the relevant amount;  
or
- the recipient is a vehicle hire firm.

An appeal made on one of the six statutory grounds may only be made to the Road User Charging Adjudicators who have exclusive jurisdiction to hear the appeal. The County Court has no jurisdiction in this regard and the statutory appeals are also outside the jurisdiction of the Ombudsman.

The Local Government Ombudsman may, however, consider complaints about how Transport for London operates and enforces the Congestion Charge and Low Emission Zone Schemes.

Transport for London is responsible for processing applications for example from disabled drivers or from residents for discount from the Congestion Charge and for registering certain types of vehicle as exempt from the Charge. The Ombudsman may consider complaints that Transport for London has failed to carry out this registration properly, that there has been an unreasonable delay in registering a resident for discount or that the complainant has suffered an injustice in view of the delay.

The Ombudsman may consider a complaint if Transport for London continues to issue penalty charge notices or seeks to enforce penalties when it should have known that it was a mistake to do so.

The Ombudsman may also consider complaints about bailiffs instructed by Transport for London but only in specified circumstances and usually only where an attempt has been made by the road user to resolve any issue first with Transport for London or the bailiff. If the matter remains unresolved, the Ombudsman may consider the individual circumstances. For example, the Ombudsman may consider complaints where a Penalty Charge Notice has been cancelled by Transport for London but bailiff charges were not refunded.

A complaint to the Ombudsman should normally be made within 12 months of discovering that Transport for London might have acted in a way which has given rise to the complaint.

### Remedy

Where a road user appeals to the Adjudicator under one of the 6 statutory grounds of appeal and succeeds in the appeal, the Adjudicator will ordinarily direct Transport for London to cancel the Penalty Charge Notice, thereby extinguishing any liability on the part of the road user. If the road user has already paid the Penalty Charge pending the appeal decision, the Adjudicator will ordinarily direct Transport for London to refund those monies to the road user.



A successful Appellant may also apply to the Adjudicator for an order requiring Transport for London to pay the Appellant's costs incurred in the appeal. The Adjudicator may make an Order for costs if Transport for London is found to have acted in a way that is frivolous, vexatious or wholly unreasonable in the appeal.

Unlike the Adjudicator, the Ombudsman has no power to direct Transport for London to cancel a Penalty Charge Notice. However, if the Ombudsman finds that Transport for London has been at fault, the Ombudsman will seek to put the complainant in the position that they would have been in if the fault had not occurred.

For example, if the Ombudsman finds that that the road user's complaint has not been properly considered by Transport for London or the road user has lost the chance to appeal, the Ombudsman might request Transport for London to reconsider the matter or to reinstate the appeal rights.

The Ombudsman may, in some circumstances, request Transport for London to pay compensation to the complainant to acknowledge an injustice or to acknowledge the time taken by the complainant to pursue a successful complaint.

The Ombudsman may also ask Transport for London for changes in procedures to prevent similar problems occurring in the future.

In one example of a case considered by the Ombudsman, the road user was served with a Penalty Charge Notice by Transport for London after entering the Congestion Charge without paying the appropriate Congestion Charge. He made representations to Transport for London. Transport for London accepted those representations and served a Notice of Acceptance, cancelling the penalty. By mistake, Transport for London continued to enforce the penalty. Despite the road user telling Transport for London that the Penalty Charge Notice had been cancelled, Transport for London registered the Penalty Charge as a debt in the County Court.

After a complaint to the Ombudsman, Transport for London cancelled the penalty and agreed to pay the road user £100 to recognise the time and trouble he had been put to as a consequence of Transport for London's mistake.

In conclusion, the jurisdictions of the Road User Charging Adjudicators and the Local Government Ombudsman are quite separate and distinct. The Adjudicator has power to direct that a Penalty Charge Notice be cancelled, to direct the refund of a Penalty Charge, to request that Transport for London reconsider the exercise of its discretion and to make and award costs.

Where the Adjudicator has no power, the road user may look to the Ombudsman for alternative redress.

Contact details for the Ombudsman:  
The Local Government Ombudsman  
PO Box 4771  
Coventry CV4 0EH  
Telephone: 0300 061 0614  
E-mail: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)  
Web site: [www.lgo.org.uk](http://www.lgo.org.uk)



# The Road User Charging Tribunal - On the move

## The History

The Road User Charging Adjudicators (RUCA) were based at 1st Floor, New Zealand House, 80 Haymarket, London SW1Y 4TE from its inception in November 2002 until February 2009. The RUCA had inhabited the same environment as their brethren the London Parking and Traffic Adjudicators and the Parking and Traffic Appeals Service (PATAS), who provide administrative support to both sets of Adjudicators.

The lease on the premises at New Zealand House was due to expire on 23 February 2009 and therefore RUCA had to vacate the building prior to this date.

As from 9 February 2009 RUCA is now based at:

**Angel Square  
Upper Ground Floor  
Block 2  
London  
EC1V 1NY**



## Why Angel Square?

The selection process –

London Councils, who provide administrative support via PATAS on behalf of the Greater London Authority for RUCA were instructed to obtain alternative accommodation. Accordingly a project manager was appointed and having consulted on the essential requirements began a shortlisting process of identifying suitable properties within Greater London.

Ultimately Angel Square, Islington was chosen due to the fact that it has a convenient location, being in Central London, with good transport links. In addition the building involves reduced expenses therefore saving public funds. Similarly in an effort to both save costs and for continued efficacy of the Tribunal it was decided to continue sharing facilities with the London Parking and Traffic Adjudicators and the PATAS.

The move to Angel Square occurred over the weekend of 7 – 8 February 2009. The hearing centre was then closed on 9 and 10 February but was then open for postal hearings, without appellants, from 11 February to 5 March 2009 to test out the system. As from 6 March the centre re-opened as normal for both personal and postal appeals.

## The Facilities

The lease on Angel Square runs until 24 March 2015 and so RUCA will remain there until at least that time.

The size of the Upper Ground Floor is 10,045 sq ft

Normal Office Hours are:

8am to 8pm - Monday to Thursday

8am to 6pm - Friday

8am to 2pm - Saturday

Closed - Sundays and Public Holidays

## Hearing rooms

There are 13 hearing rooms in total of which two are used by RUCA for personal appeals the other 11 being used by the London Parking and Traffic Adjudicators.

The hearing rooms have wheelchair access and a desk for both the Adjudicator and visitors.

Each hearing room has a telephone handset, computer and adjustable monitor and audio recording facility with microphones, a viewing monitor and DVD / Video / CD playback equipment.



The Reception area has a welcoming, calming feel that brings a sense of occasion to visitors. There are 18 waiting area seats, a plumbed in water fountain and some children's facilities.

The reception desk has been adapted for wheelchair users and visitors.

One desktop computer with monitor, small desk and chair is also provided for enquiries of the Statutory Register for visitors to use.

## Postal hearings area

There are 9 workstations for all Adjudicators of which 3 are reserved for Road User Charging Adjudicators.

## Admin office area

10 workstations.

## First aid room

A standard 'fit for purpose' first aid room exists.

## Staff WC and shower / Visitor toilets

Separate toilets are present for staff and visitors to use

## Bicycle parking rack and motor bike parking

One parking space in the basement level of the complex is leased with a bicycle rack within the car park space itself.

There are no car parking facilities available to either staff or visitors within the Angel Square complex. Disabled visitors with a valid Blue Badge are able to park within Torrens Street which has a single yellow line, provided there is space.

## Air conditioning system

The new hearing centre has a practical air conditioning system which enables the control of temperature in zones.

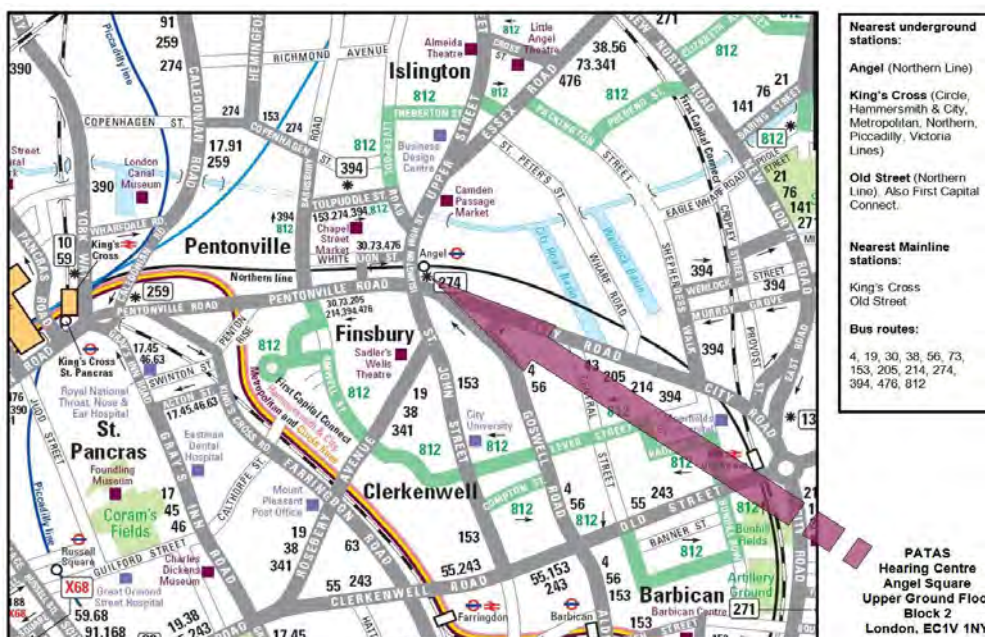
## Mini com / Induction loop / Enhanced hearing system

A mini com / Induction loop / Enhanced hearing system exists both in the waiting area and in some of the hearing rooms.

## Audio recording – hearing rooms

As outlined above all hearings rooms have microphones and allow for the recording of all hearings.

## How to get to Angel Square



## History of The Angel

The Angel was originally an inn near a toll gate on the Great North Road (at what is now the corner of Islington High Street and Pentonville Road), but now informally refers to this part of Islington in London. The corner itself is actually in Finsbury which was a separate borough until 1965 when the Metropolitan Borough of Finsbury merged with the Metropolitan Borough of Islington to form the London Borough of Islington.

Thomas Paine may have stayed at the inn after he returned from France in 1790 and it is believed that he wrote passages of the 'Rights of Man' whilst staying at the nearby 'Red Lion', now 'Old Red Lion', in St. John Street.

The original building was rebuilt in 1819 and became a coaching inn; the first staging post outside of City of London. It became a local landmark and was mentioned in 'Oliver Twist' by Charles Dickens, *"The coach rattled away and, turning when it reached the Angel at Islington, stopped at length before a neat house in Pentonville"*

A new building in pale terracotta stone with a corner cupola replaced the old building in 1899. From 1921 to 1959 the building was used as a Lyons Corner House and is now a Co-operative Bank. A pub operated by JD Wetherspoon situated near the junction of Pentonville Road and Islington High Street (just next door to the original building: it is visible in the image above) goes by the name The Angel.

In his book "The Inns and Taverns of Old London" published in 1909 Henry C. Shelley has the following to say of the inn:

*"The Angel dates back to before 1665, for in that year of plague in London a citizen broke out of his house in the city and sought refuge here. He was refused admission, but was taken in at another inn and found dead in the morning. In the seventeenth century and later, as old pictures testify, the inn presented the usual features of a large old country hostelry.*



*As such the courtyard is depicted by Hogarth in his print of the "Stage Coach." Its career has been uneventful in the main, though in 1767 one of its guests ended his life by poison, leaving behind this message: "I have for fifteen years past suffered more indigence than ever gentleman before submitted to, I am neglected by my acquaintance, traduced by my enemies, and insulted by the vulgar."*

## Angel Square

This huge development, by Rock Townsend in 1991, is decorated with the full gamut of post-modern tropes: tower, clock, sundial, rustication, decorative brickwork, pyramids and domes.

This sculpture was unveiled by Sir William Barlow, Chairman of BICC, plc, on the 13th June 1991.

It was commissioned by BICC Developments Ltd and created by Kevin Jordan M.A. (R.C.A.) as a tribute to Thomas Paine, whose work 'Rights of Man', published in 1791, was believed to have been written at the Angel.

'Rights of Man' posits that popular political revolution is permissible when a government does not safeguard its people, their natural rights, and their national interests. It defends the French Revolution against Edmund Burke's attack in 'Reflections on the Revolution in France' (1790)

Angel tube station is a London Underground station in The Angel, Islington. It is on the Bank branch of the Northern Line, between Old Street and King's Cross /St. Pancras stations. It is in Travelcard Zone 1.

Angel station was originally built by the City & South London Railway, and opened in 1901 as the northern terminus of a new extension from Moorgate. It is one of five stations on the London Underground named after a public house - in this case the once-famous Angel inn, which dates back to at least 1638. As with many other stations on the line, it was originally built with a single central island platform serving two tracks - an arrangement still seen at Clapham North and Clapham Common -and access from street level was via lifts . The most recent lifts were of the Otis "drum hoist" design used throughout the rest of the tube system, but were of about half the size. For years, the station regularly suffered from congestion and overcrowding which, especially with the island platform, constituted a major safety issue.

A new section of tunnel was excavated for a new northbound platform and the southbound platform was rebuilt to completely occupy the original 30-foot tunnel, explaining why it is larger than most deep-level platforms. The lifts and the ground level building originally on the corner of Torrens Street and City Road were closed and a new station entrance was opened around the corner in Islington High Street. Because of the distance of the new entrance from the platforms, and their depth, two flights of escalators were required aligned approximately at a right-angle. These include the highest escalators in Western Europe, with a vertical rise of 27.4 m (90 ft) and a length of 60 m (197 ft).

## Chapel Market

Chapel Market is one of London's most traditional and lively street markets, located off the southern end of Liverpool Road, near the Angel, Islington.

Townhouses with rear gardens were built along what was then Chapel Street at the close of the eighteenth century. A fire engine house was erected in 1792 and heightened in 1822; it survives today but in poor condition.

To the annoyance of the well-heeled residents costermongers began to sell their wares along the street and by the 1860s a fully-fledged and relatively reputable market was in operation. Official designation as a street market came in 1879.

In 1882 John James Sainsbury opened his first Islington store at 48 Chapel Street, managed for a while by his first son, John Benjamin. The venture was so successful that the Sainsburys opened three more shops in the street, including their first branch specialising in poultry and game.

By the 1890s Chapel Street had one of the two largest markets in the Clerkenwell and Islington areas, divided roughly equally between food and non-food stalls. Furniture, earthenware, second-hand clothing and drapery were among the most popular merchandise. The council renamed the street Chapel Market in 1936. A few mainstream retailers and fast food outlets now occupy premises towards the eastern end of the street but for the most part this remains a traditional and unpretentious market, selling mainly household goods and food. It is open every day except Monday.

At its best at the weekend, Chapel Market specializes in good value fruit and vegetable stalls. The fish stalls are finest in the area and there are also stalls offering bargain household goods and cheap clothes.

Chapel Market also boasts one of London's few remaining pie and mash shops; a traditional Cockney favourite.



Angel Square

# Useful information

## The Structure of the Road User Charging Adjudicators Tribunal

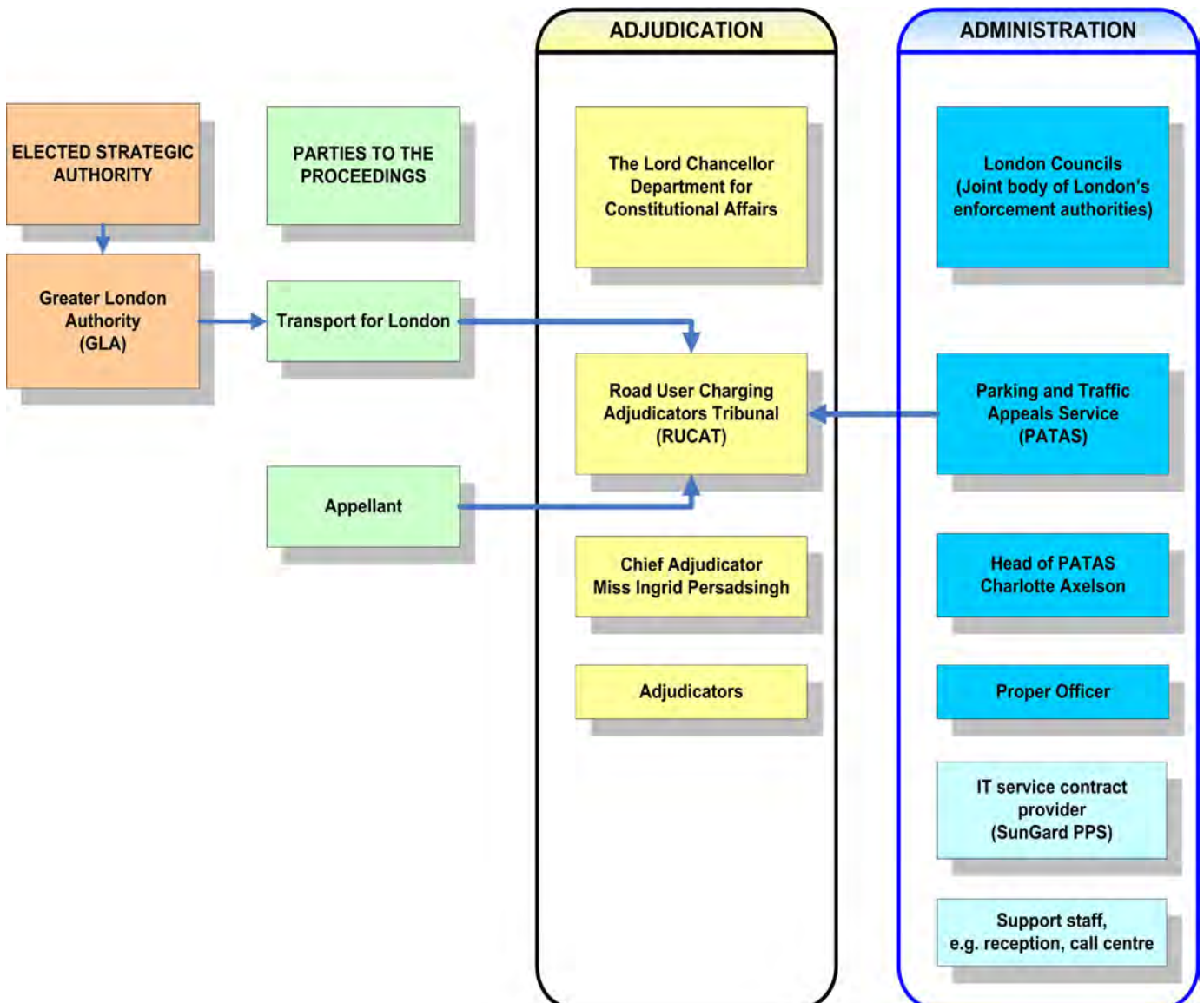
### What is 'RUCAT'?

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

The following diagram explains the structure of RUCAT and PATAS:





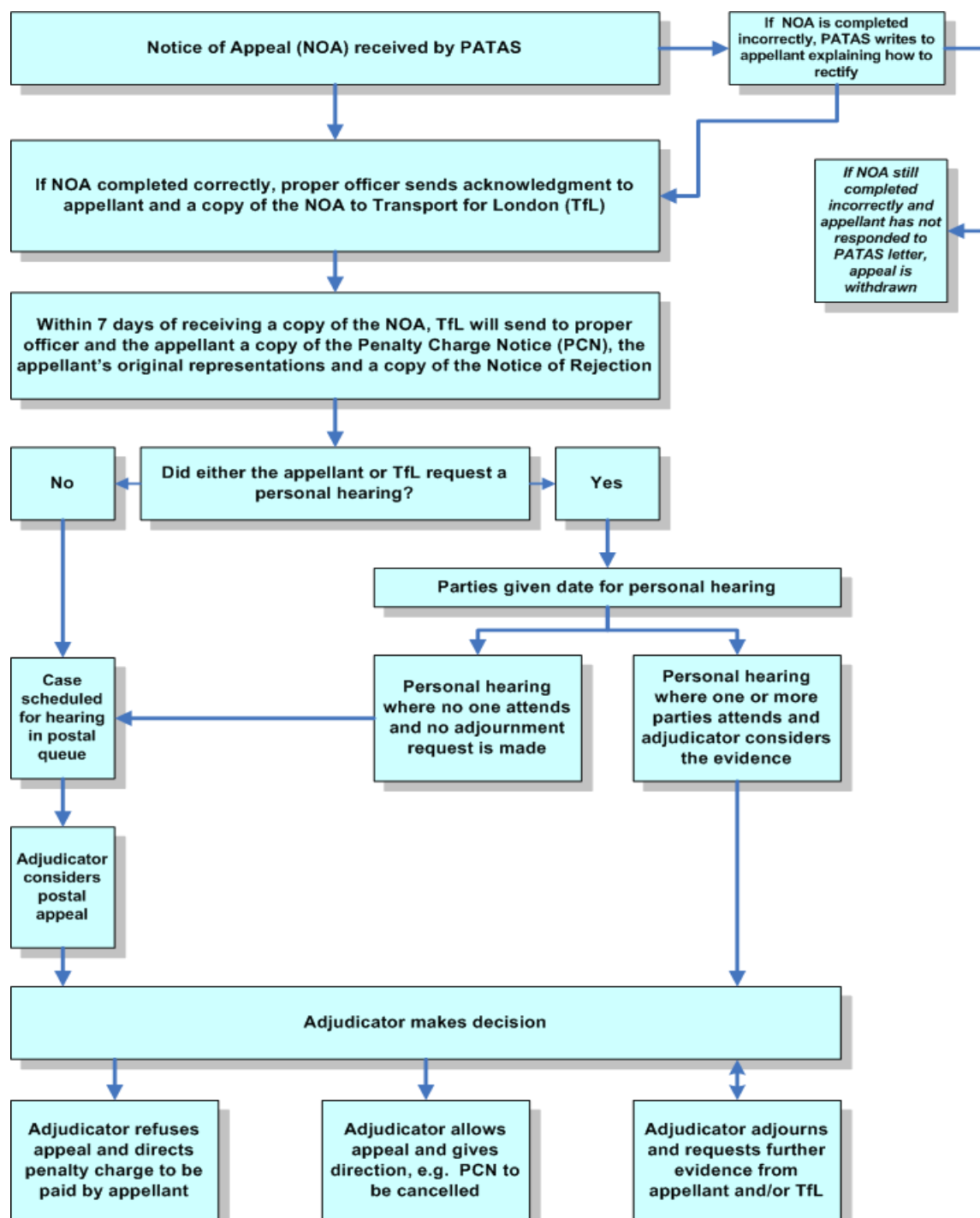
## What is an appeal?

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 Penalty Charge Notice 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 a Notice of Appeal is received by PATAS.





## Grounds of appeal

### Explanation of the 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 an Adjudicator to prove that:

- 1) A relevant vehicle,
- 2) was used or kept within the Congestion Charge 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 the vehicle was not subject to an exemption.

If Transport for London fails to do this then the Adjudicator will not be satisfied that a contravention has occurred and therefore that a valid Penalty Charge has been created.

If Transport for London does produce sufficient evidence, however, the onus shifts on to the Appellant to satisfy the Adjudicator that one of the 6 statutory grounds of appeal exists. This Appellant must satisfy the Adjudicator that 'on the balance of probabilities' one of the appeal grounds is present.

## Ground 1:

### I was not the person liable at the time of the contravention

This relates to Regulation 13 (3) (a) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001.

There are 4 possible scenarios that qualify under this heading:

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

In order to succeed under this heading, an Appellant would need to produce evidence to demonstrate that their details may have been recorded incorrectly by the DVLA.

(ii) That the Appellant 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;

In order to succeed under this heading, it would not be enough to state that the vehicle had been sold prior to the date of contravention. In addition the Appellant would need to provide evidence of when they notified the DVLA that they had sold their vehicle.

(iii) That the Appellant became the person liable after that date;

In order to succeed under this heading, the Appellant would need to provide evidence of when they purchased the vehicle.

(iv) That the vehicle shown in the photograph is a 'cloned' or 'ringed' vehicle;

In order to succeed under this heading, the Appellant might provide evidence to show differences between their vehicle and the vehicle shown in the photographs produced in evidence by Transport for London, a police crime report number or evidence from DVLA.

Alternatively, the Appellant would need to produce evidence to show that their vehicle was not within the Congestion Charge Zone or the Low Emission Zone at the time and date shown by the photographs.

## Ground 2:

### The charge has already been paid

This relates to Regulation 13 (3) (b) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001.

This ground of appeal actually requires that a 'licence' (a "Congestion Charge") has been purchased in the time and manner required under the Scheme.

What this means in practice is that the Congestion Charge must be paid prior to midnight following the date of travel, albeit that the actual Charge amount alters slightly depending upon when the Charge is purchased. Therefore, attempting to purchase a Congestion Charge after this time will mean the road user is not purchasing a Congestion Charge in the 'time required under the Scheme'.

It also means that the road user must ensure that details of the Vehicle Registration Number and date of travel are correct when purchasing a Congestion Charge. If the road user does not, then a Congestion Charge has not been purchased in the 'manner required under the Scheme'.

In order to succeed under this ground of appeal the road user would need to produce evidence of payment having been made to Transport for London and, as far as possible, demonstrating that this payment related both to the correct vehicle and to the alleged contravention date.

Therefore bank statements alone will not necessarily be sufficient to satisfy an Adjudicator to find in an Appellant's favour.

The best evidence is a receipt which confirms the date paid for and that the correct amount was paid although in certain circumstances if provided with full credit/debit card details, Transport for London may be able to trace the transaction.

### Ground 3:

No penalty charge is payable under the charging scheme

This relates to Regulation 13 (3) (c) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001.

This includes cases where the provisions of the charging scheme do not impose a Penalty Charge

e.g.: The vehicle was either not used or kept within the Congestion Charging Zone or Low Emission Zone during the designated hours; that at the time of use, the road user qualified for an exemption or a 100% discount from payment of the Congestion Charge;

### Ground 4:

The vehicle was used without the registered keeper's consent

This relates to Regulation 13 (3) (d) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001.

This includes cases where the vehicle has been driven without the consent of the registered keeper. It should be noted that a driver who was using the vehicle with the permission of the registered keeper but who had not obtained specific consent to use the vehicle in the Congestion Charge Zone would not be covered by this ground.

Normally the Adjudicator would require evidence to demonstrate that the vehicle had been used without the consent or authority of the registered keeper. Such evidence might be in the form of a letter from the police confirming that the vehicle had been reported as having been stolen prior to the date of the alleged contravention.

### Ground 5:

The penalty exceeded the relevant amount

This relates to Regulation 13 (3) (e) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001.

This is an often misunderstood ground of appeal. It does not concern itself with whether or not an Appellant considers that the increase from an £8.00 charge to purchase a Congestion Charge licence to a £120.00 penalty charge is a fair one. The amount of the Penalty Charge is fixed by law and an Adjudicator cannot order that an Appellant pay a penalty at anything other than the fixed amounts of either £120.00 or the discounted rate of £60.00 (if the Appellant made representations and appealed within the relevant time periods).

An example of when this ground of appeal would be applicable is where an Appellant entered the zone when the penalty amount was fixed at £80.00, for example in 2003, but when they received the Penalty Charge Notice it indicated that they must pay a penalty of £120.00.

### Ground 6:

The registered keeper is a vehicle hire firm

This relates to Regulation 13 (3) (f) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001.

Under this ground, the registered keeper is able to transfer liability to the hirer if certain evidential points are proven. In the event that an appeal on this ground is successful the original Penalty Charge Notice is cancelled and Transport for London are entitled to reissue the Penalty Charge Notice directly to the hirer.

The registered keeper must establish all of the following:

(i) that the registered keeper of the Penalty Charge Notice is a vehicle-hire firm;  
(ii) that the vehicle in question was at the material time (i.e. when the camera captured the vehicle within the zone) hired from that firm under a hiring agreement; and

(ii) that the vehicle in question was at the material time (i.e. when the camera captured the vehicle within the zone) hired from that firm under a hiring agreement; and

(iii) 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.

Therefore 'loan' cars and 'courtesy' cars from a garage in the ordinary course of events are not covered under the Congestion Charge scheme. In order to transfer liability to the hirer, the registered keeper of the vehicle would need to prove that a valid hire agreement was in force.

As the registered keeper must be a vehicle hire firm, Hire Purchase Agreements are excluded. A 'hire agreement' is a document which needs to meet a number of conditions in order to qualify under the definition of a hiring agreement. These provisions come from Section 66(7) of the Road Traffic Offenders Act 1988 and Schedule 2 of The Road Traffic (Owner Liability) Regulations 2000.

Section 66 (7) applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than six months at the outset, whether or not that period is capable of extension by agreement between the parties or otherwise.

This document must contain upon it a 'statement of liability' signed by the hirer indicating that they accept liability for any penalties in relation to the Congestion Charge scheme in relation to the vehicle during the period of the hire agreement.

Recorded upon the document must be the following particulars of the person signing the statement of liability:

1. *Their full name.*
2. *Their date of birth.*
3. *Their permanent address.*
4. *Their address at the time of hiring (if different from 3 above and stay is likely to be more than two months from date of hiring).*
5. *The details of their driving licence:*
  - (a) *country where issued (if not UK),*
  - (b) *serial number or driver's number,*
  - (c) *date of expiry (which should be no later than date specified in 7 below).*

(If the person taking possession of the vehicle is not the same as the person by or on whose behalf the statement was signed, the full name of that person should also be supplied (if known).)

*1. In addition the document needs to record the following particulars:*

*Registration mark of vehicle hired under the hiring agreement.*

*2. Make and model of vehicle hired under the hiring agreement.*

*3. Registration mark of any vehicle substituted for the above during the currency of the hiring agreement.*

*4. Make and model of any vehicle substituted for the above during the currency of the hiring agreement.*

*5. Time and date of any change of vehicle.*

*6. Time and date of commencement of original hiring period.*

*7. Expected time and date of expiry of original hiring period.*

*8. Time and date of commencement of authorised extension of hiring period. †*

*9. Expected time and date of expiry of authorised extension of hiring period. †*

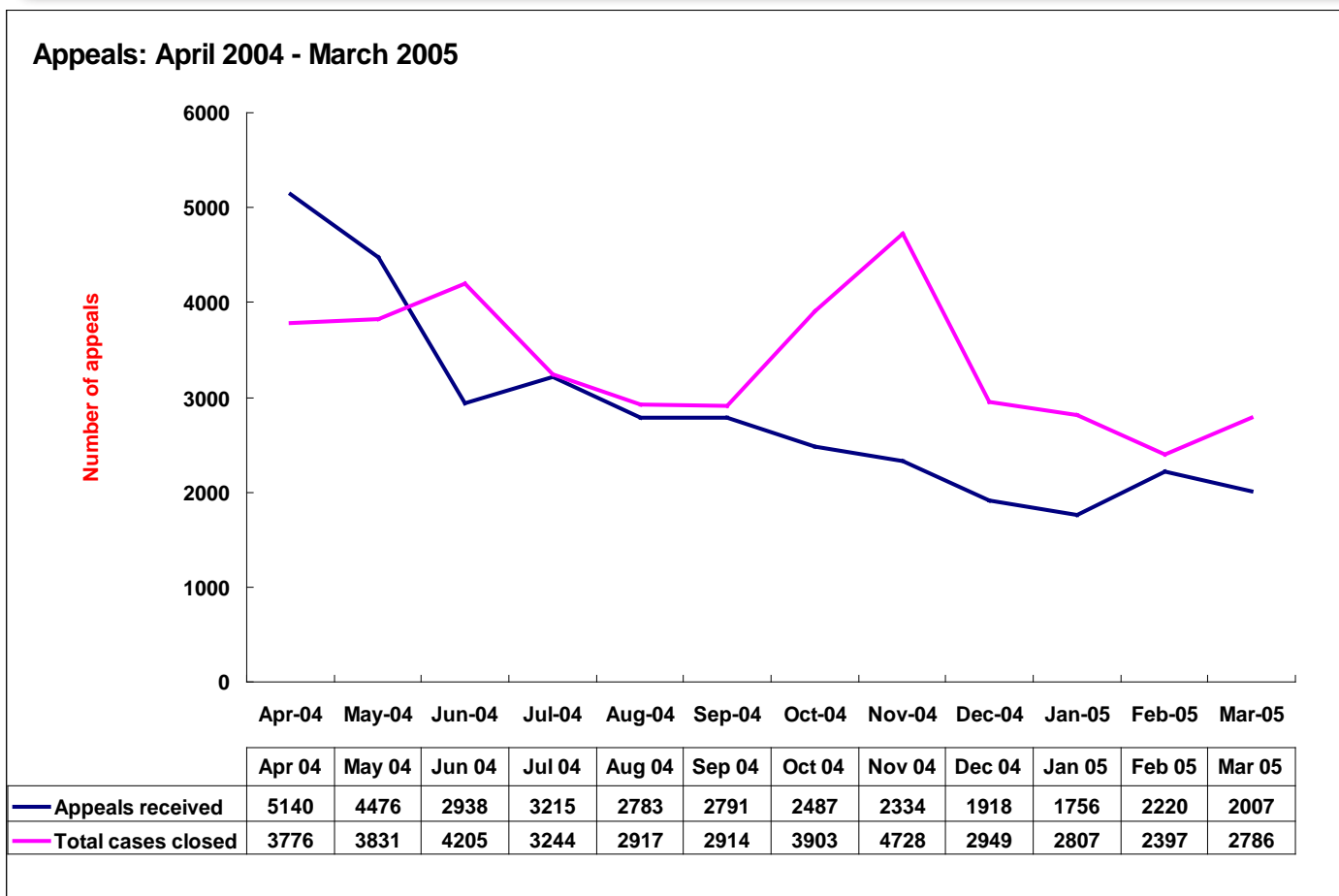
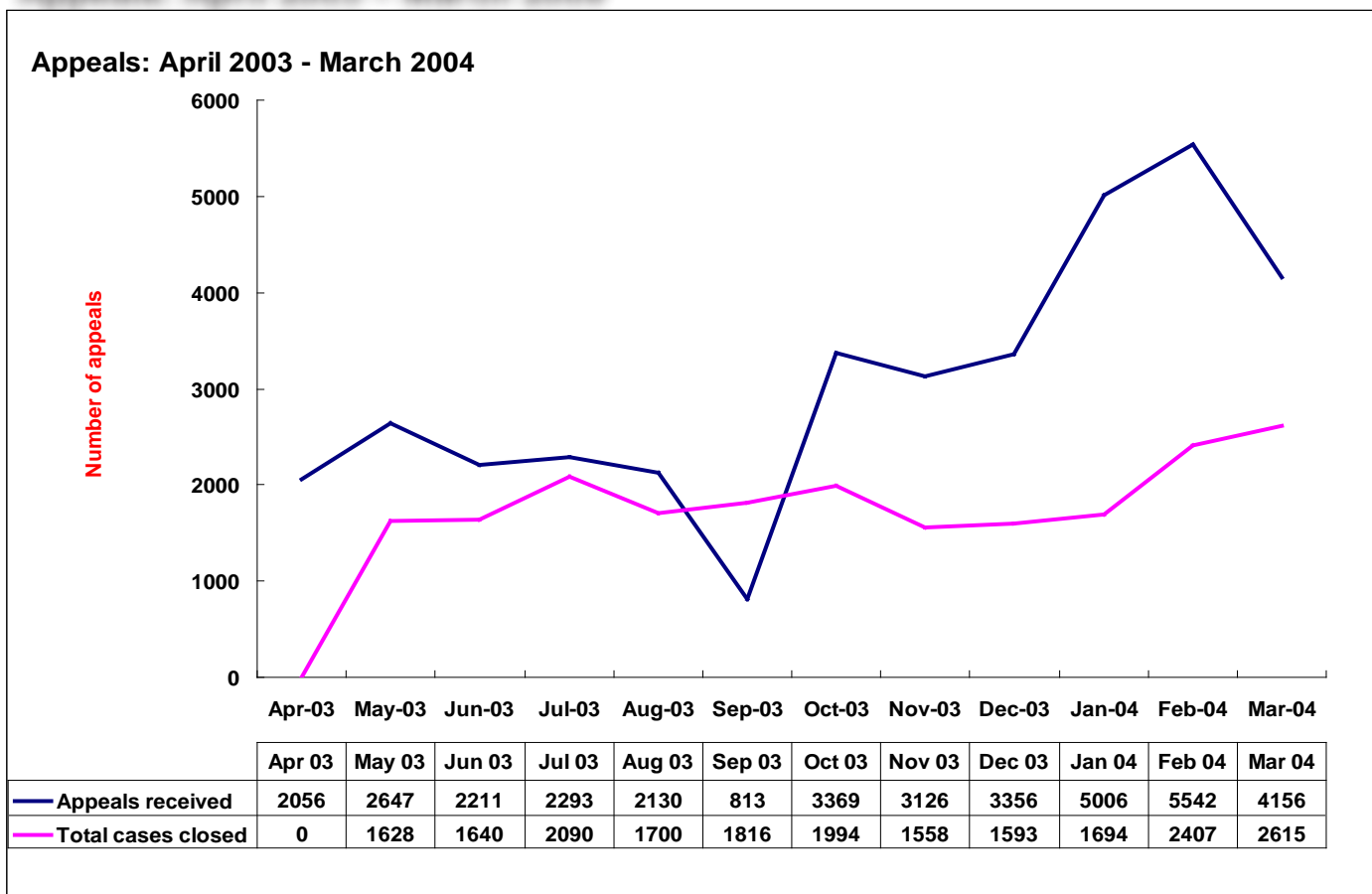
*10. Actual time and date of return of vehicle (or when vehicle returned out of hours time and date on which vehicle-hire firm next opened for business). †*

*(†These requirements applying only to the vehicle hire firm's copy of the hiring agreement.)*

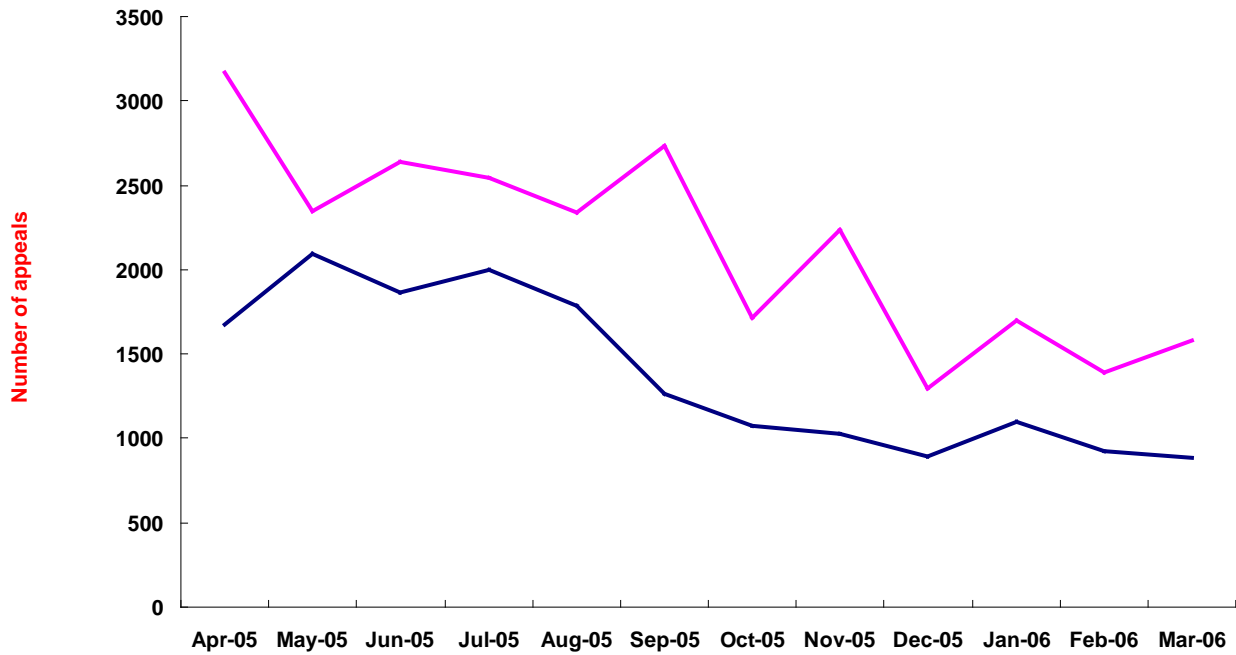
The Regulations are highly prescriptive and in the event that any single item is not recorded on the hiring agreement, the agreement will not be sufficient to transfer liability.

# Annex 1

## Appeals: April 2003 – March 2009

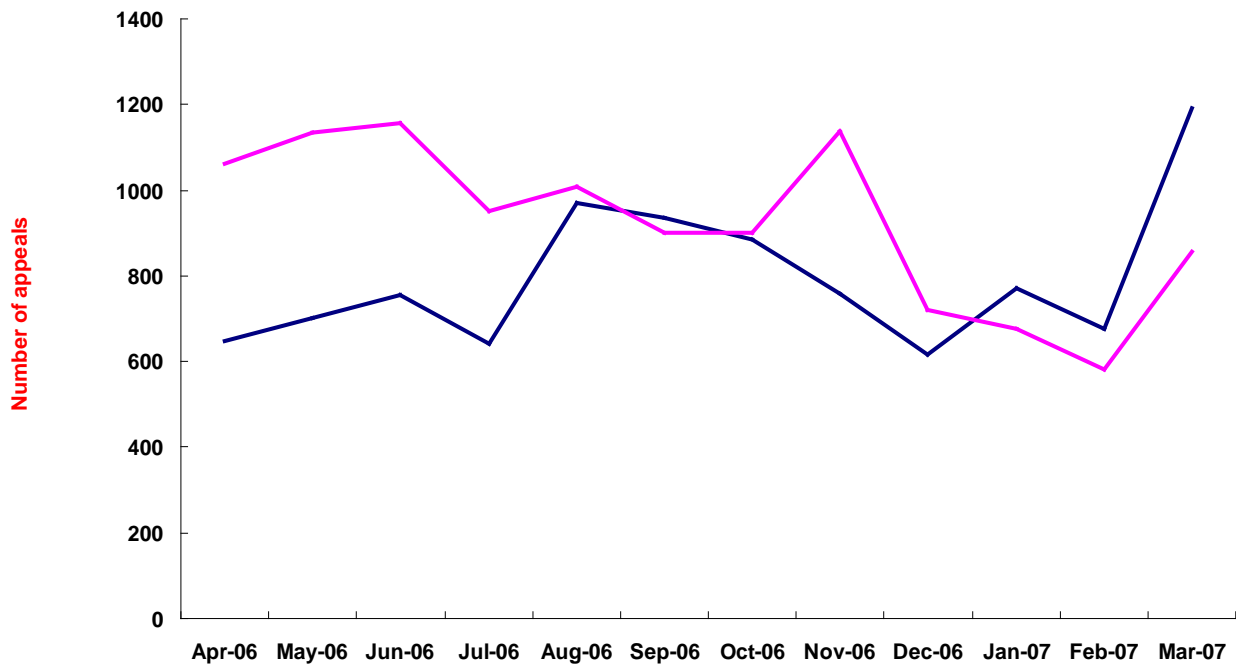


### Appeals: April 2005 - March 2006



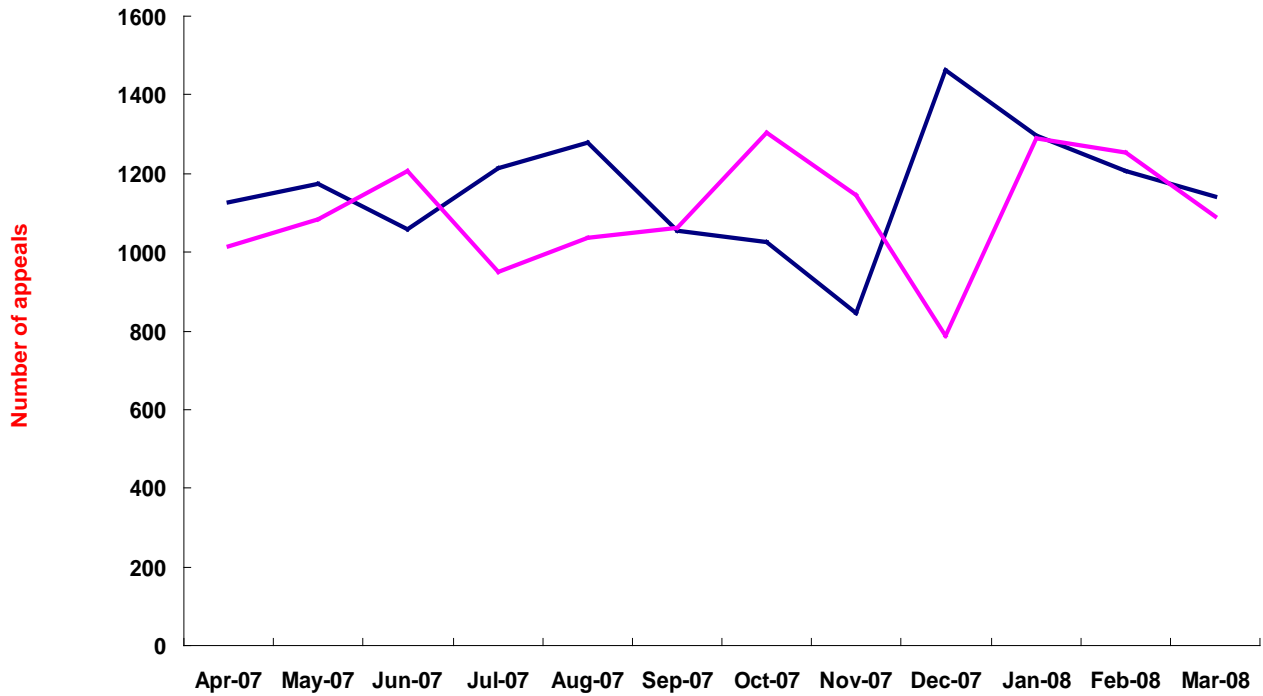
	Apr 05	May 05	Jun 05	Jul 05	Aug 05	Sep 05	Oct 05	Nov 05	Dec 05	Jan 06	Feb 06	Mar 06
— Appeals received	1674	2096	1866	1995	1787	1268	1078	1027	890	1097	923	882
— Total cases closed	3165	2344	2639	2544	2342	2730	1716	2237	1298	1701	1393	1582

### Appeals: April 2006 - March 2007



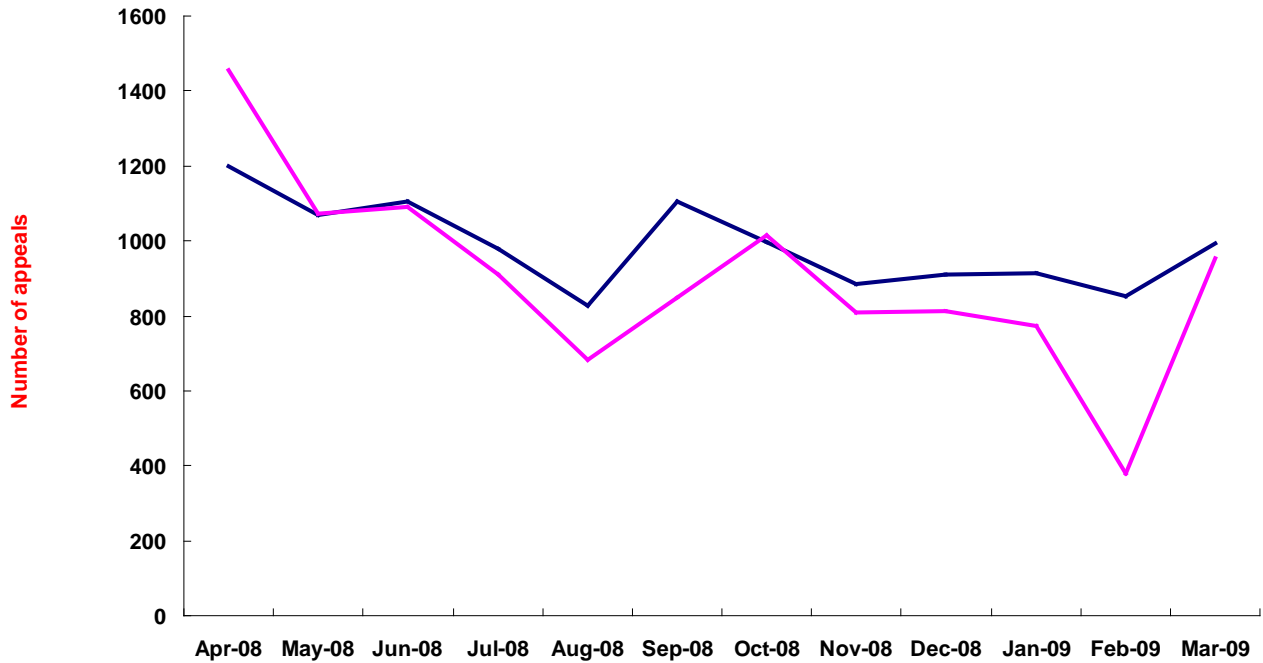
	Apr 06	May 06	Jun 06	Jul 06	Aug 06	Sep 06	Oct 06	Nov 06	Dec 06	Jan 07	Feb 07	Mar 07
— Appeals received	647	701	755	642	971	936	886	757	616	771	677	1190
— Total cases closed	1063	1133	1156	950	1009	902	901	1139	720	675	582	856

**Appeals: April 2007 - March 2008**



	Apr 07	May 07	Jun 07	Jul 07	Aug 07	Sep 07	Oct 07	Nov 07	Dec 07	Jan 08	Feb 08	Mar 08
— Appeals received	1127	1173	1059	1212	1279	1054	1025	844	1461	1297	1208	1140
— Total cases closed	1016	1084	1206	949	1035	1062	1305	1145	789	1291	1255	1090

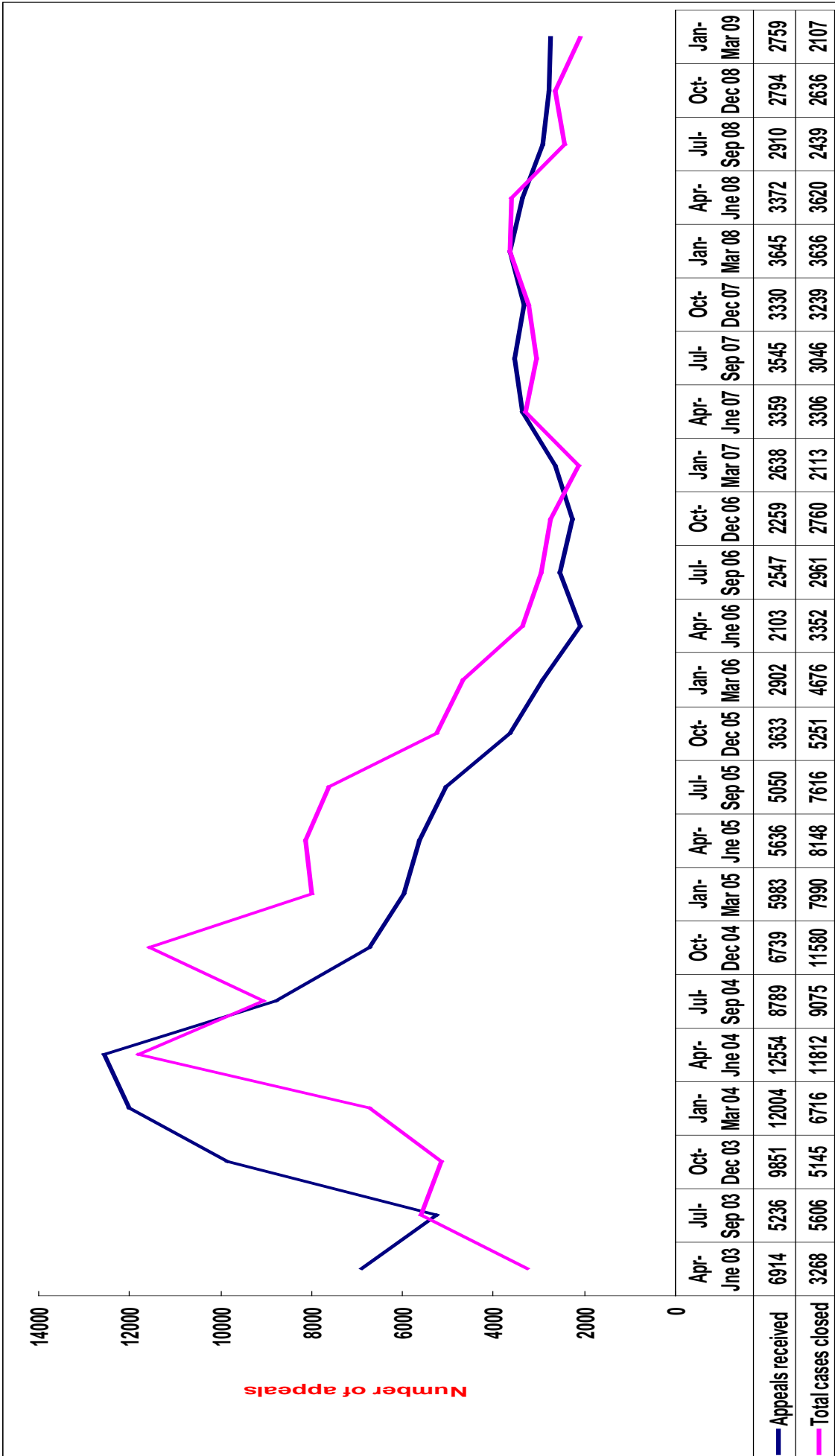
**Appeals: April 2008 - March 2009**



	Apr 08	May 08	Jun 08	Jul 08	Aug 08	Sep 08	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09
— Appeals received	1199	1069	1104	977	827	1106	998	886	910	913	851	995
— Total cases closed	1456	1074	1090	909	681	849	1014	808	814	774	378	955



Appeals: April 2003 – March 2009 (Quarterly)



# Annex 2

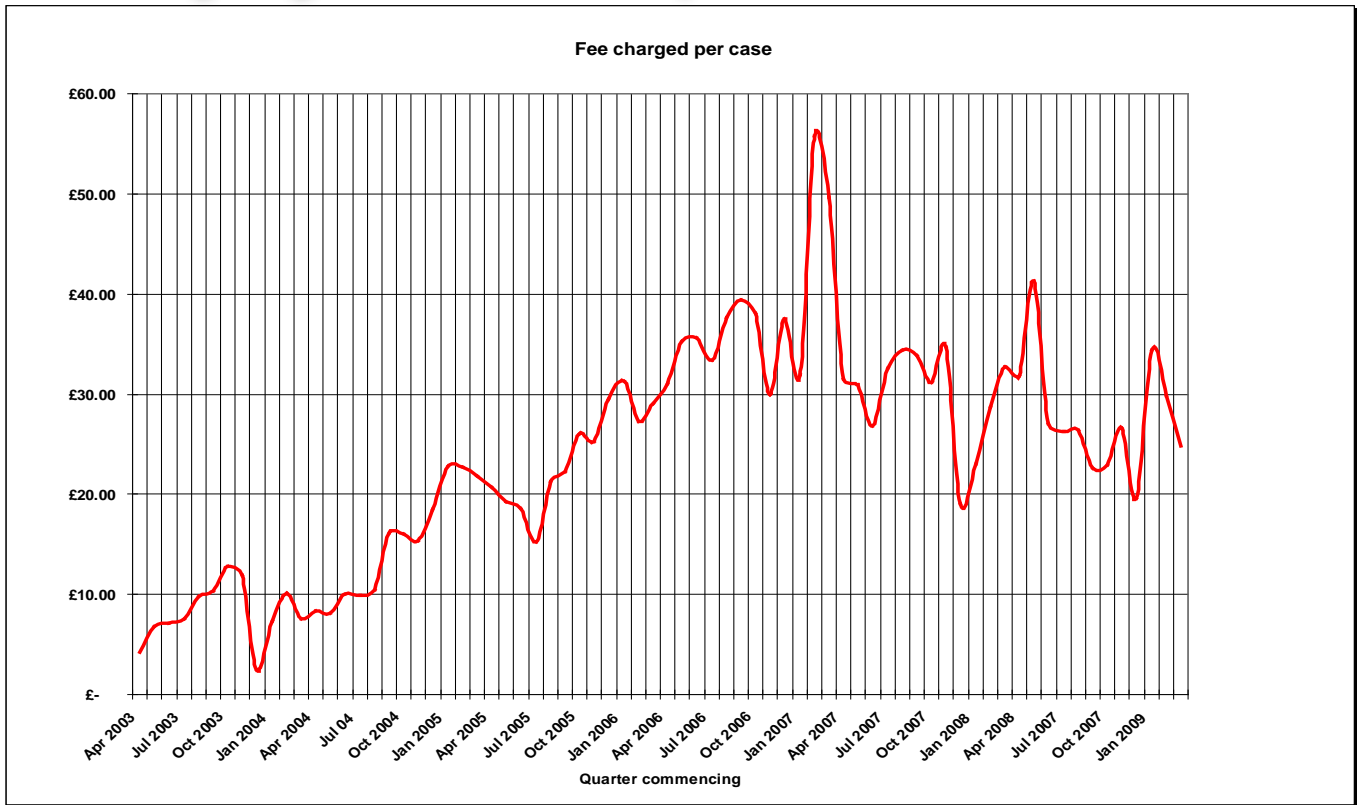
## Congestion charging statistics 2003 – 2009

	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9
Appeals received	42339	34065	16583	8054	13879	11835
Statutory declarations received	n/a	n/a	n/a	1493	1593	
<b>Total cases closed</b>	<b>24288</b>	<b>52776</b>	<b>25115</b>	<b>10985</b>	<b>13227</b>	<b>10802</b>
Appeals withdrawn by appellants	286	265	420	138	123	100
Appeals not contested by TfL	12922	13127	5084	2883	5571	4854
Appeals refused postal**	4839	17699	13870	6179	5832	4605
Appeals allowed postal*	13537	14811	7121	3200	4584	4096
Appeals refused personal**	745	1558	1436	505	758	663
Appeals allowed personal*	4508	4988	2522	1060	2034	1436
Closed administratively	659	328	166	41	19	2
Appeals adjourned	1518	6085	3399	1608	836	706
Review decisions	121	349	743	181	136	113
Costs decisions	10	140	153	12	17	15
Postal cases ready for adjudication at end of year	9383	7528	2004	306	340	306
Personal hearings scheduled	5657	6989	4282	1614	1836	1453
	<b>2003/4</b>	<b>2004/5</b>	<b>2005/6</b>	<b>2006/7</b>	<b>2007/8</b>	<b>2008/9</b>
% withdrawn by appellants	1.18%	0.50%	1.75%	1.14%	0.93%	0.93%
% not contested by TfL	53.20%	24.87%	20.13%	27.28%	42.12%	44.94%
% refused postal	19.92%	33.54%	55.31%	54.95%	44.09%	42.63%
% allowed postal	55.74%	28.06%	27.38%	30.01%	34.66%	37.92%
% refused personal	3.07%	2.95%	5.51%	4.50%	5.73%	6.14%
% allowed personal	18.56%	9.45%	9.65%	10.24%	15.38%	13.29%
% closed administratively	2.71%	0.62%	0.64%	0.36%	0.14%	0.02%
% of cases allowed	74.30%	37.52%	57.16%	40.25%	50.03%	51.21%
	<b>2003/4</b>	<b>2004/5</b>	<b>2005/6</b>	<b>2006/7</b>	<b>2007/8</b>	<b>2008/9</b>
Average postal hearing (mins)	20.30	22.66	35.96	43.79	53.91	51.75
Average personal hearing (mins)	22.99	35.15	50.72	60.13	77.86	65.96
% of cases 1st considered within 56 days	24.37%	34.88%	34.47%	49.36%	84.43%	61.81%
Average days delay*	88	212	205	80		n/a
% hearings commenced within 15 mins	75.92%	84.17%	69.13%	76.42%	74.83%	76.27%
<b>Summary of decisions by ground of appeal (allowed)</b>	<b>2003/4</b>	<b>2004/5</b>	<b>2005/6</b>	<b>2006/7</b>	<b>2007/8</b>	<b>2008/9</b>
Appellant not registered keeper	440	995	307	131	96	59
Charge has already been paid	1902	3014	1194	387	328	146
No charge is payable under the scheme	2284	2359	1472	518	487	356
Vehicle hire firm	255	798	1026	174	71	124
Penalty exceeded relevant amount	175	520	374	180	52	34
Vehicle used without appellant's consent	28	42	48	56	40	30
<b>Summary of decisions by ground of appeal (refused)</b>	<b>2003/4</b>	<b>2004/5</b>	<b>2005/6</b>	<b>2006/7</b>	<b>2007/8</b>	<b>2008/9</b>
Appellant not registered keeper	346	1421	405	389	409	292
Charge has already been paid	1495	4463	2036	1148	1229	990
No charge is payable under the scheme	1787	5288	3679	2354	2609	2105
Vehicle hire firm	1619	6840	9326	1899	1202	850
Penalty exceeded relevant amount	415	1270	1062	1064	1163	804
Vehicle used without appellant's consent	42	159	193	113	176	97

# Annex 3

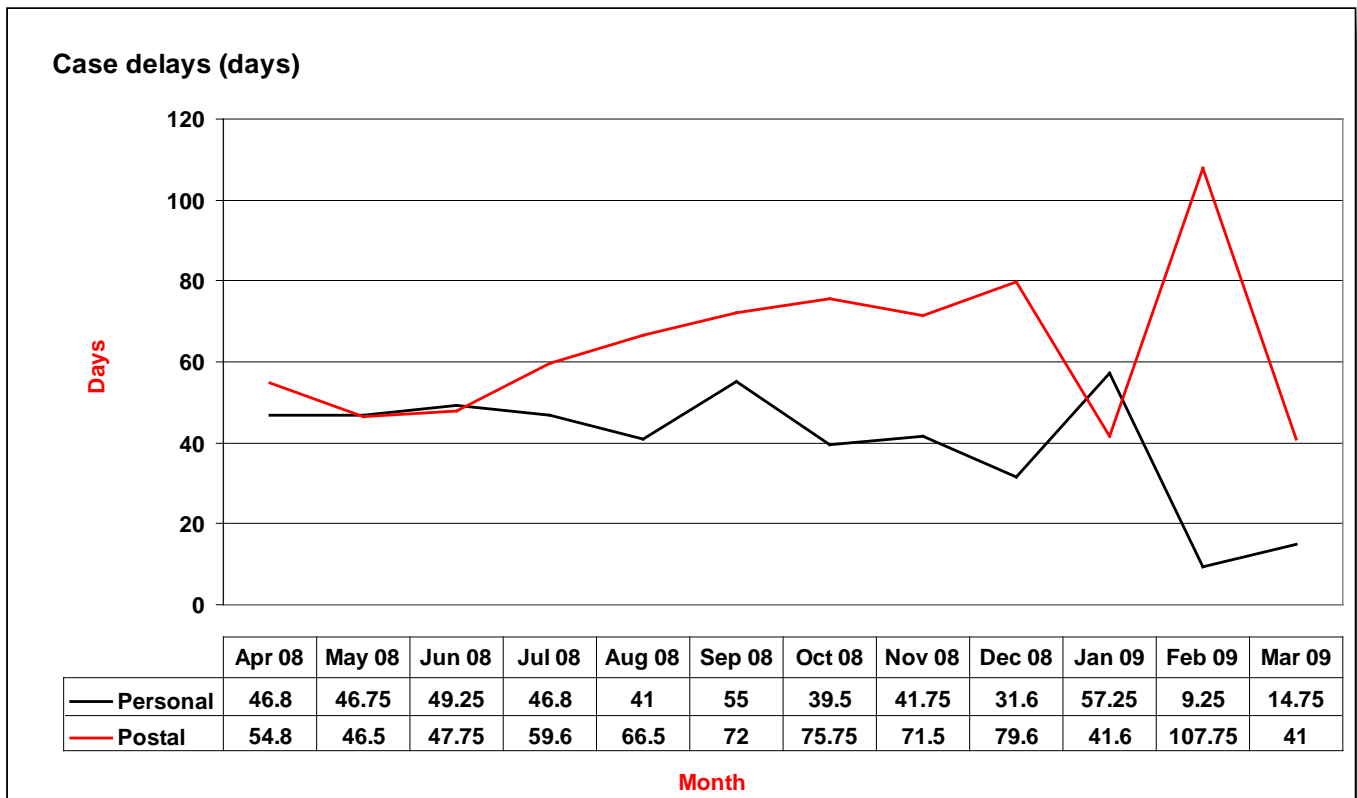
## Road User Charging Adjudicator Tribunal

### Fees charged against cases closed April 2003 - March 2009



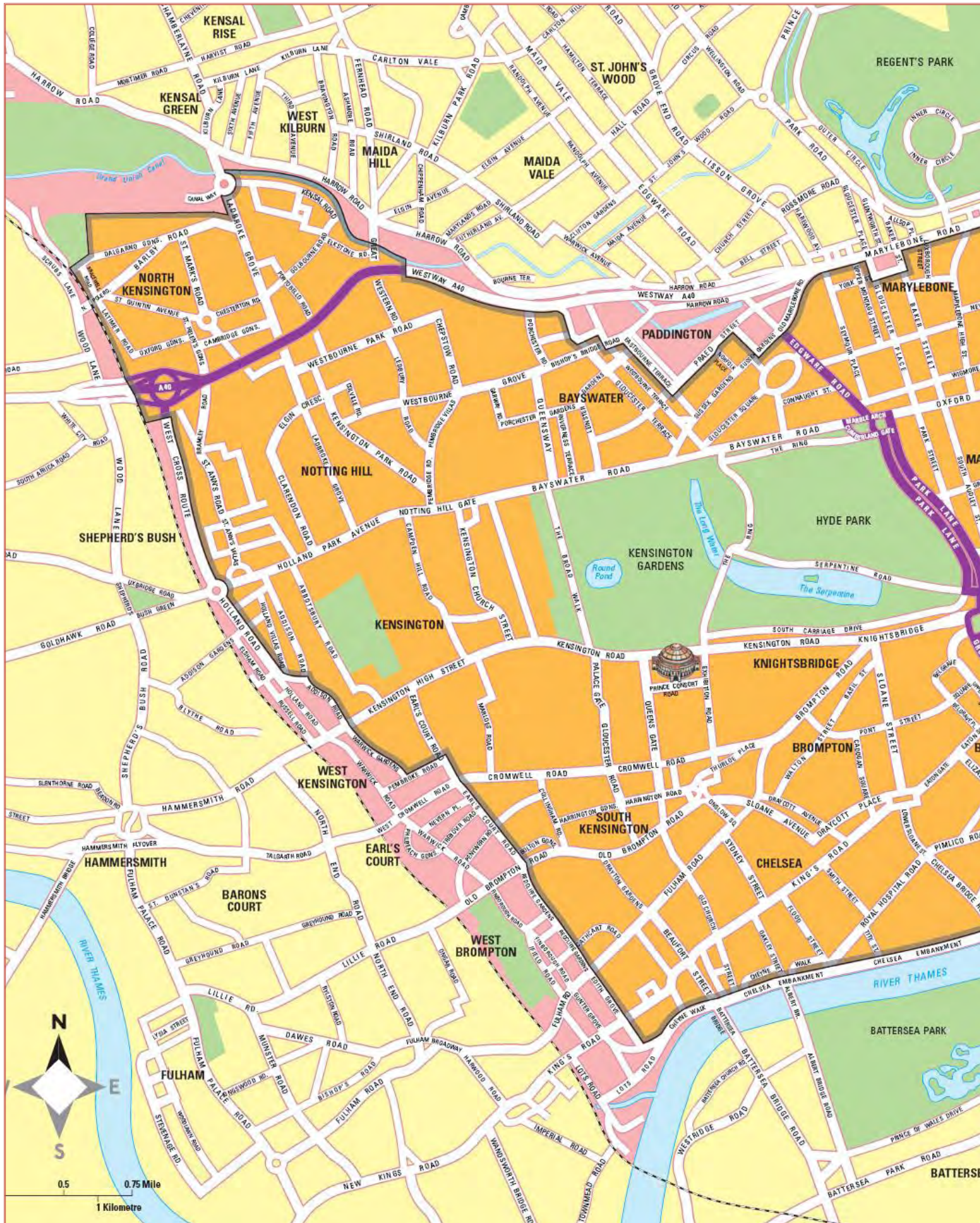
## Road User Charging Adjudicator Tribunal

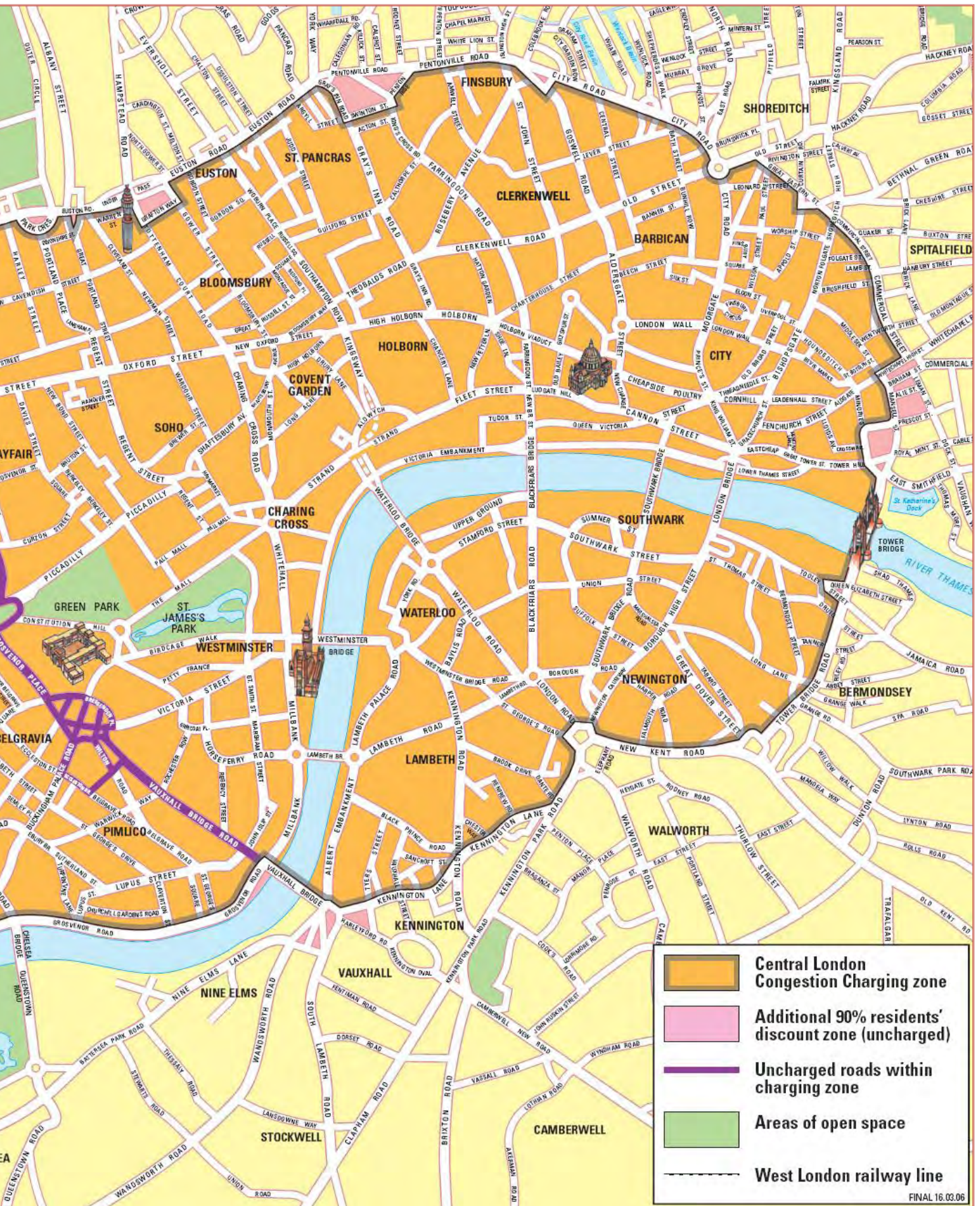
### Case delays April 2008 - March 2009



# Annex 4

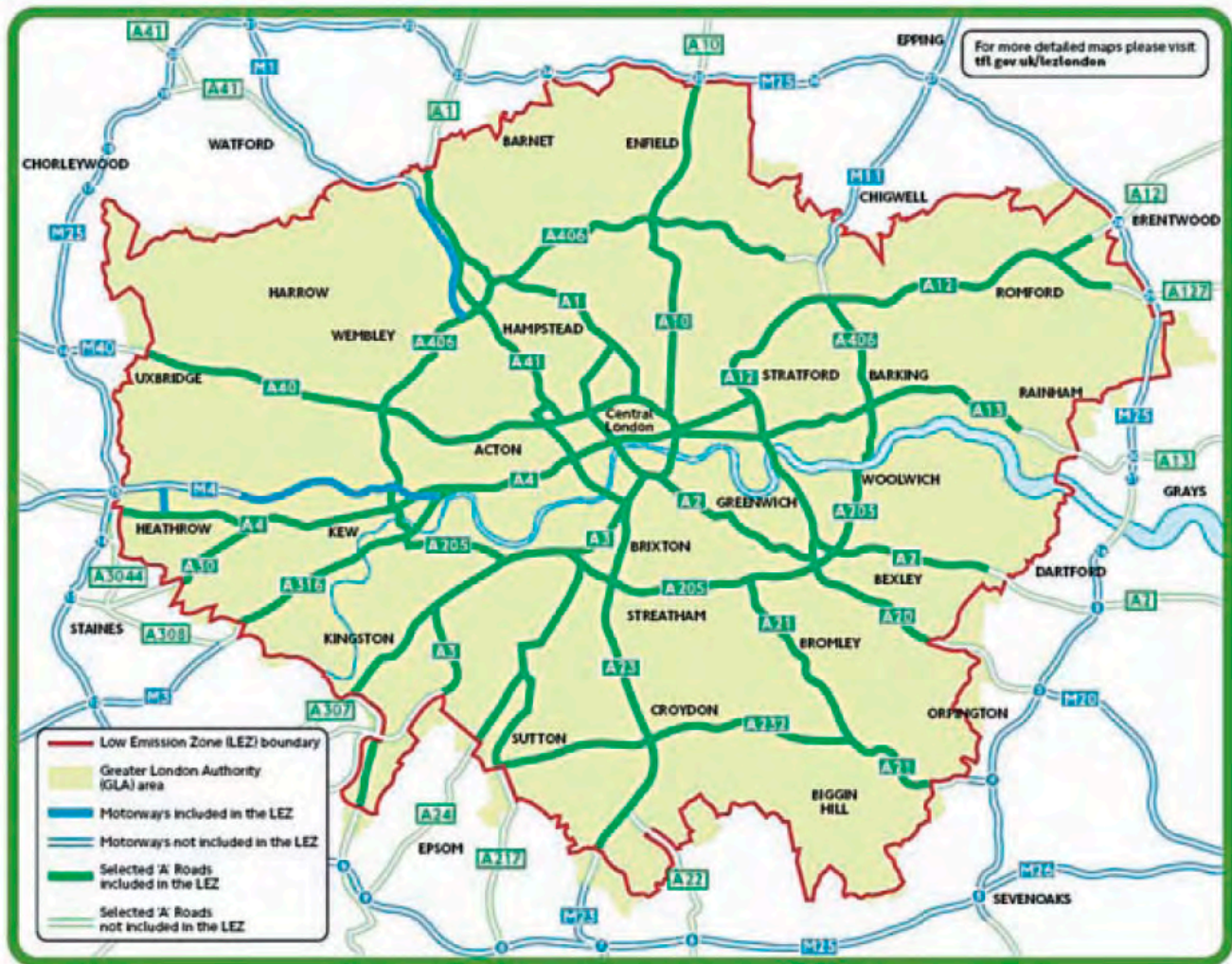
## Map of the Extended Central London Congestion Charging Zone





FINAL 16.03.06

## Map of the Low Emission Zone





# Annual Report 2008-09

## Road User Charging Adjudicators

Parking and Traffic Appeals Service  
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