

Road User Charging Adjudicators'

Annual report 2020-21



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1. Chief Adjudicator's foreword

In common with many other organisations, the Road User Charging Adjudicators Tribunal has had to adapt its processes to cope with the unprecedented effects of the COVID pandemic.

The Tribunal suspended business from Monday 23rd March 2020, which meant that all appeals (both postal and personal) were put on hold until it was clear it was safe to resume business as normal.

Between then and early May 2020 the Tribunal developed procedures for hearing appeals without the need for appellants to attend the Tribunal in person.

This resulted in telephone appeals being offered to appellants by adjudicators sitting at the Tribunal centre from June 2020, and for postal appeals to be considered remotely by adjudicators working from home.

These were intended to be temporary measures until the Tribunal was able to return to normal working, with both appellants and adjudicators attending at the Tribunal for appeals to be heard in person.



A new system of telephone hearings has been developed to offer appellants the opportunity to present their case orally to the Tribunal.

These hearings involve the adjudicator telephoning the appellant from the Tribunal hearing centre where the adjudicator is physically present.

The hearing can then proceed as normal through a dialogue between the appellant and adjudicator, and with a decision being given over the telephone by the adjudicator at the close of the hearing.

The system has worked well, and may be extended in the future to appellants who may not otherwise have the chance to attend the hearing centre.

At the time of this foreword it is planned (subject to any future Covid restrictions) that normal business will resume later this year, giving the opportunity to appellants to attend in person at the Tribunal centre.

Transport for London was equally affected by the pandemic, and was not able to process appeals for several months while its staff were furloughed.





The Congestion Charge was suspended from 23rd March 2020 until 18th May 2020 which resulted in a drop in the number of appeals entering the appeals system.

The annual statistics are included in this report and reflect the fall off in case numbers.

As I reported in the last annual report, from 22nd June 2020 changes to the Congestion Charging scheme were brought in (such as increases in the daily charge and extending the charging hours).

The ULEZ (Ultra Low Emission Zone) scheme will be extended to Greater London from October 2021.

New Road User Charging adjudicators were appointed in November 2019 and their interrupted training was completed over the summer of 2020.

These adjudicators started to attend the hearing centre from August 2020 to hear postal appeals while being mentored by more experienced adjudicators.

All the recently appointed adjudicators have now been trained and are performing well.

The Annual Training day on 27th February 2021 was delivered online via Zoom.

It was a very successful event with full participation from all the adjudicators.

This may be a model that we adopt in future if needed.

In a similar vein many of our management meetings have been held remotely, and have been effective in helping us to plan a return to normality.

We look forward to working with Catherine O'Higgins, who has been appointed Head of Support Services at London Councils.

On behalf of the adjudicators, I would like to thank Eugene O'Keefe for his tireless work on the IT systems we rely on. He has borne the major part of the burden of keeping the IT running during the past year, and has been immensely helpful to the new adjudicators getting used to the system.

We would also like to thank Gordon Cropper and Tony Edie for their many years of dedicated service to the Tribunal. They were both contributors in shaping RUCA to be the effective Tribunal it is today.

Finally I would also like to thank all the RUCA adjudicators whose dedication enabled the Tribunal to continue to provide a good service to the public in these difficult times.

Ingrid Persadsingh

Chief Road User Charging Adjudicator



2. Adjudicators who currently hear appeals

Mercy Akman	Jane Anderson	Wendy Anderson	David Bowman
Janine Bracken	Deborah Burke	Samantha Chown	Joanne Coombe
Ian Coutts	Gordon Cropper	Leslie Cuthbert	George Dodd
Tony Edie	Natalie Goffe	Janet Gittens	Nicholas Hanning
Teresa Hay	Elisa Hopley	Ina Jahn	Jane Kilgannon
John Lane	Maura Lynch	Morwenna Macro	Isaac Maka
Herjinder Mann	Gerald Mohabir	Ian Mohabir	Belinda Pearce
Ingrid Persadsingh	Chris Rayner	Anita Reece	Timothy Smith
Alison Spicer	Richard Thompson	Alan Thorne	Frances Thornton-Dale
Graeme Wallington	Chris Woolley		

3. 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 the 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, disability, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief or sex.
- ♦ To enhance the quality and integrity of the road user charging appeals process.



4. 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 state 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] EWCA Civ 1540 (17th November 2005), that it is not part of the 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.



5. “Statement of Requirements”

- as defined by the Greater London Authority (‘GLA’) and setting out the roles of the Chief Adjudicator and Adjudicators. In this Statement any reference to the “Service Provider” is a reference to London Councils which currently operates the Road User Charging Appeals (RUCA) Service under contract with the GLA.

1. Introduction

- 1.1 The Appeal Service is an independent judicial body providing decisions for appeals made against Transport for London (TfL) decisions to reject representations made against Penalty Charge Notices issued under the Road User Charging Scheme(s) operated by TfL.
- 1.2 Currently these schemes are the central London Congestion Charging Scheme, the London Low Emission Zone scheme and the London Ultra Low Emission Zone scheme. All three schemes fall under the adjudication provisions set out in the *Road User Charging (Enforcement and Adjudication) (London) Regulations 2001* as amended, the “Enforcement Regulations” and the relevant “Schedule” to it.
- 1.3 Adjudicators are appointed by the Lord Chancellor.
- 1.4 Adjudicators are supported by administrative staff and have facilities provided for them to enable them to sit and determine appeals. The GLA, as the authority, are required to make provision for these services and undertake this through appropriate outsourcing.
- 1.5 The Adjudicators are guided and managed by a Chief Adjudicator; subject to the provisions of the Schedule, an adjudicator may regulate his own procedure and this is primarily derived through the Chief Adjudicator.

2. Chief Adjudicator Role

- 2.1 The Chief Adjudicator is a judicially appointed role and is the representative head of the “Tribunal” which encompasses the Adjudicators. The Chief Adjudicator is accountable to the Lord Chancellor by way of appointment but also to the GLA. The Chief Adjudicator is not an employee of either the GLA or the Service Provider, albeit that payroll and other such services shall be provided for the Chief Adjudicator and Adjudicators by the Service Provider.
- 2.2 The role of the Chief Adjudicator means they work very closely with and in conjunction with the Service Provider and the role aims to ensure a smooth and cost efficient delivery of the decision making aspects of the adjudication role. The role extends through to “managing” the Adjudicators in terms of administration and setting and determining policy and procedural guidelines, training and development and dealing with complaints. This also extends to a range of other functions including the consideration and distribution of cases to the Adjudicators for them to hear.

2.3 The Chief Adjudicator has a wide role to play within the operation of the Tribunal with duties covering and not limited to:

- Appointing Adjudicators, with leave of the Lord Chancellor;
- Determining the terms and conditions of such appointments and extending appointments;
- Defending legal proceedings brought against Adjudicators;
- Acting as the point of contact for media relations and promoting the work of the Tribunal.

2.4 The role of the Chief Adjudicator also extends into dealing with complaints made against Adjudicators under the Appeal Service's complaints policy and includes an advisory role in relation to the Proper Officer and the Tribunal's Support Staff.

2.5 In addition the Chief Adjudicator has an advisory and informative role as they are required to produce an Annual Report.



3. Adjudicator Role

3.1 An Adjudicator's role does not allow them 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". These are matters for TfL;

3.2 Adjudicators act and determine Appeals independently. They are not employees of either the GLA or the Service Provider;

3.3 Adjudicators provide all parties in the Appeals process with independent, impartial and well-considered decisions based on clear findings of fact and proper application of law;

- 3.4 Adjudicators have and maintain the appropriate knowledge, skills and integrity to make those decisions;
- 3.5 Adjudicators ensure that all parties to Road User Charging Appeals are treated equally and fairly regardless of age, disability, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief or sex;
- 3.6 Adjudicators aim to enhance the quality and integrity of the Road User Charging Appeal process.



4. Support Staff Role

- 4.1 The Support Staff provide administrative support to the Adjudicators, including and not limited to:
- Customer Service support;
 - Processing of Appeals and resolving queries over Appeals;
 - Scheduling Hearings.





6. The role of a Proper Officer - *Desi Pedersen, former Proper Officer*

Overview

The role of a Proper Officer encompasses a wide range of duties and responsibilities. Principally, Proper Officers provide administrative assistance to the tribunal, its adjudicators, and the Chief Adjudicator. In large part, this involves engaging with case work on a day-to-day basis. Proper Officers also provide general office management support to ensure that all paperwork and the physical workspace is kept orderly.

Furthermore, Proper Officers serve as a vital point of contact for adjudicators, Transport for London ('TfL') and appellants.



Casework

A key responsibility is ensuring that cases are handled effectively. Proper Officers therefore spend most of their day working on the Case Management System. Cases may be set up, registered, scheduled, re-scheduled, non-contested and withdrawn by Proper Officers as necessary. Importantly, Proper Officers also ensure that cases are 'legally ready' to be decided by adjudicators at the hearing. This means checking registered keeper details, so the case is not inconsistent, requesting appellant signatures and seeking authorisation where an appellant wishes a third party to act on their behalf. This wider regulatory activity is undertaken under the road user charging legislation and overseen by the adjudicators.

Proper Officers have a clear overview of future upcoming postal and personal hearings by keeping detailed case lists, which are checked daily and shared frequently with the Chief and duty adjudicators.

Office Administration



Proper Officers help to ensure the physical office space is run smoothly. When the tribunal is open as usual, this includes keeping stationery and kitchen items well-stocked, managing the administration of the adjudicators' lockers, and keeping track of the staff who are physically in attendance that day.

Where adjudicators are sitting virtually, Proper Officers also keep note of this.

The monthly rotas allocating work to the adjudicators are distributed by the Proper Officers once they have been compiled by the duty adjudicators.

Additionally, Proper Officers are responsible for collecting pay claims and submitting them to the Chief Adjudicator and the finance team for approval.



Supporting Adjudicators

Proper Officers are on hand to support all the adjudicators in their work. Where it concerns a specific case, a task should be raised on the Case Management System to the Proper Officer queue. Other queries can be directed by e-mail. Proper Officers work in particularly close collaboration with the Chief Adjudicator and the duty adjudicators. Weekly meetings are held where any issues are discussed in order to maintain an efficient and well-organised tribunal service. Proper Officers support the decisions of the Chief Adjudicator and duty adjudicators by actioning any requests in regard to casework or administrative matters.



Liaising with Transport for London



Proper Officers are in regular, daily contact with representatives of TfL. Generally, these communications relate to the information present on the Case Management System, such as the evidence uploaded, the current status of certain Penalty Charge Notices or the registered keeper details of a specific appellant. Proper Officers may upload evidence received from TfL such as 'Do Not Contest' notices and 'Reschedule Request' forms. The cooperation between the Proper Officers and TfL is vital to streamlining the administrative process of managing appeals.

Contact with Appellants

Proper Officers communicate with appellants frequently throughout the day, either to seek out certain information or to provide responses to their queries. Mostly, Proper Officers will send e-mails or letters to appellants, although occasionally a phone call may be required. Proper Officers aim to answer appellants' correspondence expediently to make sure the appeals process is transparent and fair.

Conclusion

Proper Officers perform the aforementioned work in line with established strategies, policies and procedures to provide a clear and efficient service for all those involved. Proper Officers are approachable, easy to contact and available to assist with any matter as far as is possible.



7. Diary of a newly appointed adjudicator - Janet Gittens

I had to pinch myself to confirm that I was appointed as an adjudicator in November 2019. When I received the email, offering me the position, I thought that there had been a mistake. I was convinced that I would receive a second email, apologising for the error – that I had a very similar name to the successful candidate.

At the training day in January 2020, I learnt from one of the tutors that imposter syndrome is quite common. The training day also gave me the chance to meet half of the other new appointees. (This was in the time 'before' – prior to social distancing). I was looking forward to my first sittings and the opportunity to make decisions. In my full-time job, my role is to give advice to the decision makers.



Following the training day, my first sittings started in February 2020. It was quite nerve wracking to be let loose to deal with appeals, albeit under strict supervision. I'm not the most computer literate person, so trying to master a new IT system, a new area of law and a novel role, was a challenge. In theory, the drafting of the decision should have been the most straightforward part of my new role. The fact that there are only six grounds of appeal, I thought, would mean that decision-making should be relatively easy.

All my early decisions were thoroughly scrutinised by an experienced adjudicator. This felt a bit like being back at school – waiting outside the head teacher's office. I did not look forward to seeing the 'suggestions' for improvement of my early attempts at drafting decisions.

I had two sittings booked for March 2020 – on 13th and the 23rd. I received an e-mail dated 18th March 2020 – CLOSURE OF RUCA – sittings suspended from 23rd March until further notice. Just when I was beginning to find my feet, the tribunal closed and did not re-open again until September 2020.

In September 2020, my training continued – or, to be more accurate, re-started, as I had forgotten most of what I had learnt. I had a mentor, who happened to be the chair on my interview panel, to re-acquaint me with the decision-making process. When my mentor was satisfied that I was safe to let loose on real people, I started to deal with personal appeals by telephone. The second post-Christmas lockdown came in January 2021, just as I was getting back into the swing of things. Telephone hearings were suspended, and the tribunal was closed again.

In February 2021, with the hearing centre still closed, postal appeals were dealt with remotely. Working from home on appeals felt very lonely – I was used to talking to more experienced adjudicators or to my mentor if I had any questions. People were available to contact by email, but this is not the same as having a conversation with someone in person.

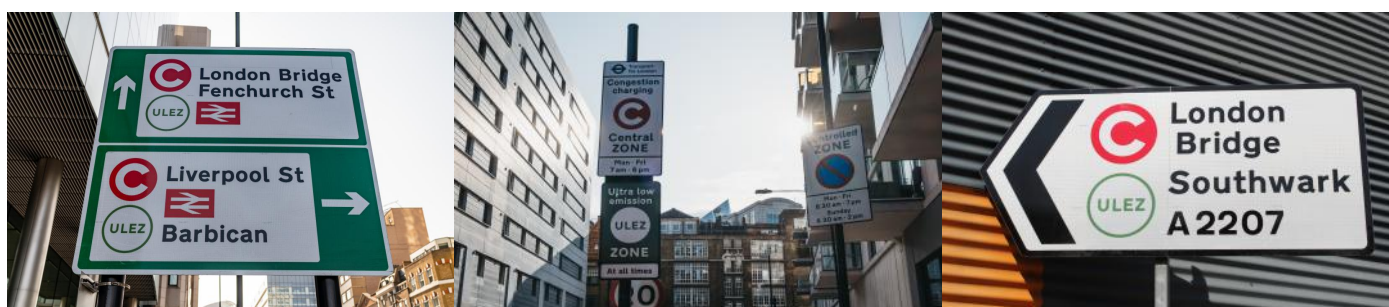
The annual training day on 27th Feb 2021, postponed from the summer, was delivered remotely via Zoom. I discovered on the morning of the training, that the security settings on my work computer will not allow me to access Zoom. I had to use my husband's computer.

It was nice to see all my fellow adjudicators, albeit virtually. At the hearing centre, there were usually only one or two other people present.

By March 2021, the hearing centre re-opened and my sittings continued, deciding a mixture of telephone and postal appeals. On one Saturday during the May Bank Holiday weekend, I was the only RUCA adjudicator at the hearing centre.

I was a bit nervous at the prospect of being on my own to deal with telephone appeals. However, I reasoned that the powers that be must have confidence in my abilities to rota me to sit by myself.

Either that or no-one else was available to sit on that day!



One of my most memorable – and longest – days was spent dealing with a postal case that had 24 linked appeals. It took a long time to consider all the evidence from both parties, to reach a fair decision.

Some telephone appeals also stick in my mind. I remember an appellant putting the telephone down on me twice before I even had the chance to fully introduce myself. Another person had requested a review of my decision to refuse his appeal before I had even had the chance to draft my decision.

I had an appellant who insisted that his human rights had been infringed by having to pay the penalty charge, among other arguments.

Appellants are mostly polite and thank me for listening patiently to their appeal. Although one person was not at all happy when I told her that she did not have a ground of appeal. She asked why no-one had told her this before.

I applied for the position of Road User Charging Adjudicator as a change from my full-time work. I wanted to make decisions. I like to think that my mentor feels vindicated in her decision to offer me employment. I hope that she would have fewer suggestions for improvement for my recent decisions.

I enjoy the work. It is rewarding to hear the relief and gratitude from an appellant when I can allow an appeal.

8. Eighteen years of RUCA: the reflections of Gordon Cropper, retiring adjudicator

It was in September 2004 that I was one of 21 newly appointed adjudicators to the Road User Charging Appeals tribunal (RUCA). In the succeeding years much has changed. What follows is a personal perspective on those years, and in no sense any official view of the development of the tribunal.

Early years

I arrived at a tribunal that was facing an unexpected volume of appeals. On the establishment of the appeals system it had been estimated that in its first year of operation the number of appeals would barely exceed 7,500. In the event, that first year, March 2003 to March 2004, saw the receipt of 42,339 appeals. Parking adjudicators, with whom RUCA shared premises, were briefly enlisted to help cope with the serious shortage of adjudicators. Against that background the recruitment of additional adjudicators was a priority.



After training we were thrust into an environment of motorists who were very cross or bewildered (or both) and a system that employed more acronyms than you would come across in an episode of *Line of Duty* – pcn, nor, dnc, the list was, and is, endless. Within the first floor of New Zealand House our allocated location was known as the goldfish bowl, so called because of the glass sides to the room.

It was a convivial atmosphere involving frequent coffees and builders' teas, but somehow we got through the backlog to the extent that at one point there were no unresolved appeals waiting and ready to be dealt with.

If there was any feeling that congestion charge appeals were a jurisdiction of their own and insulated from the rest of the legal world that was quickly dispelled by the saga of Baroness Walmsley's appeal against a congestion charge penalty.

Her appeal to the tribunal was refused, and her application to review that decision was rejected. She applied to the High Court for judicial review and Stanley Burnton J held that the regulations allowed an adjudicator to make such direction as he thought appropriate.

For a brief interlude we indulged in the opportunity to exercise discretion in determining appeals. This freedom – judicial anarchy might be a better description – was quickly curtailed by the Court of Appeal in 2005 which identified that the ability to allow an appeal was limited to cases in which one of the six statutory grounds of appeal had been established.

The initial refusal of the Baroness's appeal was restored.

The western extension

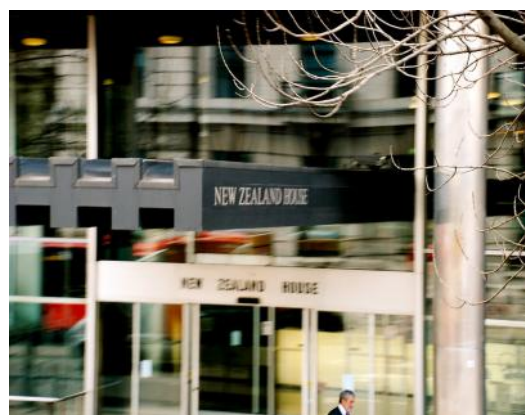
Appeal numbers were temporarily boosted by the introduction in 2007 of the western extension. Mayor Ken Livingston, having conducted a public consultation, enlarged the congestion charging area by taking in Kensington, Bayswater, Notting Hill and Chelsea.

As might have been foretold by the response to the consultation, the change was not popular with the public, and it was an early act of the mayoralty of Boris Johnson that the extension was retracted and the congestion zone assumed its original boundaries.

Premises

The tribunal began life within New Zealand House in the Haymarket. The accommodation sufficed, but was not ideally suited; it was a little cramped and the diplomatic character of the building made security a touchy issue.

Those of us working on the first anniversary of the 7th July London bombings were accorded the rare opportunity to visit the roof of the building to observe the commemorative silence. It would be futile to deny that the lasting memory of that occasion is the glorious view over central London afforded by that viewpoint.

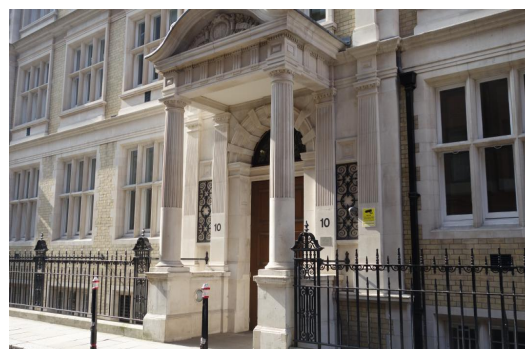


In 2009 the tribunal moved to Angel Square, a modern and well-equipped venue close to Angel tube station.

It lacked the conviviality of the goldfish bowl, though happily that spirit survived.

The nomadic tendency meant that in 2014 we departed Angel Square and took up residence in what continues as the hearing centre, the ground floor of Chancery Exchange in the heart of Legal London.

Two rooms are devoted to personal hearings, whilst hot-desking prevails in the area in which postal cases are dealt with.



Technology

From the outset the tribunal has been, in theory at least, paper-free. A small category of appeals (against the clamping and removal of offending vehicles, now no longer part of the tribunal's remit) involved copious quantities of printed material, but otherwise all functions have been conducted electronically.

The first system, provided by Capita, was easily grasped and was popular amongst adjudicators.

Coincident with the move to Chancery Exchange a new system was introduced courtesy of Northgate Public Services. This internet-based system presented challenges to adjudicators who had been accustomed to the rather more user-friendly previous arrangement, but in the course of time increasing familiarity with it has enabled its use to become less troubled.

Personnel

The tribunal has had just one chief adjudicator, Ingrid Persadsingh. With her light touch approach and shrewd understanding of the strengths and weaknesses of her adjudicators, she has successfully managed the fluctuations of the workload.

Importantly she has encouraged the survival of the spirit of conviviality that characterised our early years. The original pool of adjudicators has over the years reduced in number with retirements and advancement to higher judicial posts requiring a recruitment exercise to be conducted in 2019. That saw the appointment of a further 23 adjudicators to the tribunal.

Workload

The origins of the tribunal lay in the urgent need to reduce the volume of traffic in central London and the requirement of the European Convention on Human Rights that the administrative penalties associated with the scheme be matched by an independent appeal mechanism.

The common thread of the workload has been road pricing, the principle of charging for the use of certain roads to regulate their traffic.

Initially it was just the Congestion Charge that occupied us, but in February 2008 we saw the introduction of the Low Emission Zone. The novelty of this charge lay in the area encompassed by the charging scheme – all but coterminous with the Greater London area – and the application of highly technical standards.



The thought of such technicalities was a daunting prospect to adjudicators accustomed only to the commonly raised arguments deployed to challenge congestion charge penalties: mistake, lack of awareness of the scheme, contracts of hire, abortive efforts to pay and diversions. In the event very few appeals turned upon vehicle technicalities, and most reflected similar points to those raised in congestion charging cases.

In 2019 the ultra low emission scheme was born. Again the possibility of technical challenges reared its head, but thankfully they have not proved too numerous.



In my experience appellants are frequently disappointed to find that road user charging schemes are very tightly drawn, allowing little scope for appeals to be allowed and (at the appeal stage) excluding the possibility of the exercise of discretion.

One theme has, however, repeatedly emerged in personal hearings: appreciation of the opportunity to talk to a human being about their case. All too often appellants feel that they have been dealing with a faceless machine that does not understand their grievance, and the chance to vent their frustrations in person seems to have an emollient effect.



Perhaps the one recurrent comment that grates is that which suggests that adjudicators are in thrall to Transport for London. However much it is emphasised that we are independent there remains a perception on the part of some appellants that we will do whatever Transport for London wants. “Who pays you?” is a question often posed, but it misses the point.

It is true that the money ultimately comes from Transport for London, but the important fact is that an adjudicator is not in any way beholden to that authority; the adjudicator is appointed by the Lord Chancellor and only the Lord Chancellor can dis-appoint.

The pandemic

The arrival of Covid-19 presented unexpected challenges.

With adjudicators unable safely to attend the hearing centre new approaches were called for. Home working became the temporary norm, and, when the virus relented sufficiently to allow some return to the hearing centre, telephone hearings were introduced. How far such innovations continue in the future remains to be seen.

It has, to my mind, always been a failing in the tribunal that whereas the London-based appellant (naturally the great majority) can attend the hearing centre with little difficulty, the cost and effort involved for most provincial appellants to present their cases in person has been prohibitive and usually disproportionate to any penalty.

The use of telephone hearings goes some way to remedy this problem.



Valuable safeguard or chocolate teapot?

I have already referred to the tightly drawn nature of road user charging schemes. Looked at objectively, there is every justification for this.

To allow appeals on the basis of “I forgot”, “I got lost” or “I did not realise” would be difficult to operate fairly and consistently, and would almost certainly do much to undermine the purpose of the schemes. It raises the question: how useful is an appeal process when the legislation limits its scope?

Disappointed appellants often ask what is the point of having a system of appeals – the unspoken bit is “if you are not allowing my appeal”. The fact is that a number of appeals are allowed. What is little appreciated by the general public is that the existence of the appeal machinery has an impact upon Transport for London.

The authority has no wish to be perceived to be on the wrong side of the law, and adjudicators looking over its shoulder will influence its approach. Adjudicators hold Transport for London to account.

The limitations of tribunal appeals against schemes that afford few escapes from liability are inevitable, but there remains a very useful purpose in the system.

Gordon is retiring this year and his son has written the following tribute:

My Dad....

Started his career as a probation officer in North London and soon moved into the courts service, working as a court clerk in Harrow. He quickly progressed and became justices' clerk for the Hendon and Harrow area - one of the largest petty sessional areas by population in the country. It was a role that brought him into contact with then local MP, Margaret Thatcher, and often saw him dealing with issues arising from Wembley stadium. On one memorable morning he found himself addressing one of his favourite cricketers who was before the magistrates for a driving misdemeanour.

He often spent evenings and weekends teaching and training magistrates, something he greatly enjoyed doing, and also completed a Masters in Criminology in his spare time.

He left in 2003 with the re-organisation of the magistrates courts system in London and started to pursue a range of legal work and other interests. He became a trustee of the mental health charity Umbrella, sat on the ethics committee of the Royal College of Pathologists (2003-2008) and later became a committee member and trustee of the Royal College of Ophthalmologists. He continued to work in the criminal justice system, and was a member of the Independent Monitoring Board at Pentonville prison between 2003 and 2016, acting as chair for much of that time. He took on the challenge of becoming editor of the Independent Monitor magazine in 2018, a role that married his interests in criminal justice, politics, policy and journalism alongside his organisational and writing skills. (And almost certainly raised the quality of journalism in the UK!)

He joined RUCA in 2004 (an appointment signed off, I think, by then Lord Chancellor Jack Straw, a contemporary of his from university days studying law in Leeds) working on the newly introduced London Congestion Charge, and more recently the Low Emission Zone charge.

He should have retired 12 years later in 2016, but has enjoyed his work there so much he's stayed on and extended his time there every year right up until now!

I know he's really enjoyed working with all his friends and colleagues - and will miss the people at least as much and almost certainly more than he will miss the work!!

Away from work he is a fan of most things Italian, has tried his hand at growing grapes and making his own wine, loves walking, and enjoys seeing his grandchildren and watching his beloved cricket!

Andrew Cropper

9. And from another (not so) retiring adjudicator.....

Tony Edie is also retiring this year and has written the following account of his career in his own inimitable style:

Tony Edie did his best to put off his legal career by taking groups on overland tours for several years after University. He met Sally on route to Kathmandu, while taking John Hunt and his wife back to Nepal for a reunion with Hilary, Tenzing and the King, on the 20th anniversary of their conquest of Everest. The expedition consisted of 6 vehicles but at one stage Hunt's vehicle fell behind. The others had used up all the fuel at the last depot and the Land Rover he was travelling in ran out. Undismayed Hunt flagged down a steam train in the Baluchi desert and asked the driver for petrol. Tony recalls that by this stage the great man was becoming worried that not only might he be late but there was a distinct possibility that he would not make it to Nepal at all!

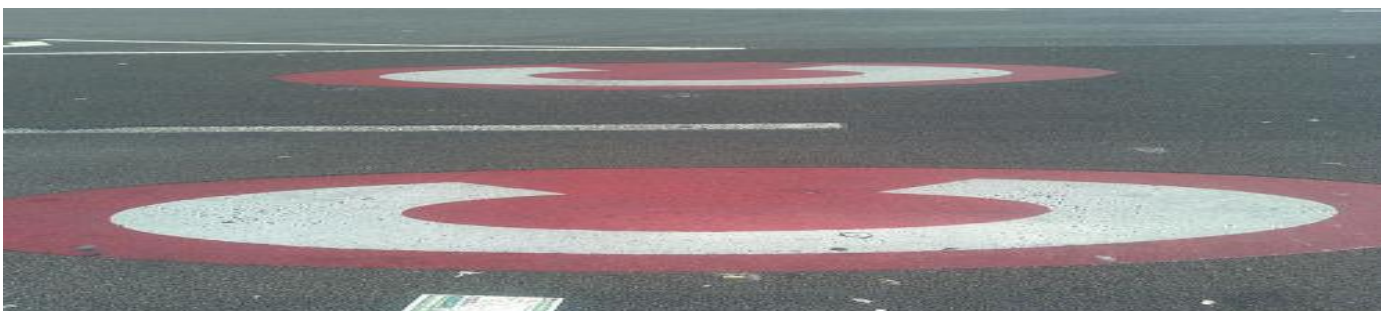
Tony took a break to take his Bar Finals and then back on the road eventually getting his results from a copy of the Times at the British embassy in Moscow.

Tony was a member of Krikler's Chambers for over 30 years. Highlights included a trial involving a Dutch ship, loaded with Cannabis, where all the defendants were acquitted apart from the Captain who missed the trial through illness and then was brought to court where his plea to possession of 17½ tons was accepted and the whole crew returned to Holland the next day.

He received his red bag from Barry Hudson QC (Hudson had represented the only defendant to be acquitted in the Kray trial). It was a murder case and Hudson was grateful to Tony for holding the fort while he found his false teeth before he addressed the jury. Needless to say their client was acquitted and Hudson claimed that being a bencher of the same Inn of Court as the judge put him 2 goals up.

Appointed an Acting Stipe in 1993 he was sitting at the time of Princess Diana's death and remembers that he was due to hear a case involving 2 Slovakian ladies who had removed teddy bears and flowers from the floral tributes outside St James Palace. However the senior magistrate at the court decided that Tony would not pass a stiff enough sentence for what was being described in the press as 'akin to grave robbing' and took the case into his court. The pair were given 28 days but immediately appealed to the Crown Court where the sentences were set aside.

Spare time occupations include birdwatching, the Chobham Carnival and the Chobham Morris Dancers. They entertained the crowds at the 2012 Olympics where the security requirements were very strict. The organisers were somewhat surprised when he told them they were bringing a horse!



10. The central London hearing centre in lockdown - *Alison Spicer*

On 1 June 2020 I returned to the hearing centre at Chancery Exchange on Funnival Street in London to conduct telephone hearings. I discovered a different London, a city which had changed dramatically in the weeks since the imposition of lockdown on 23 March 2020.

My local station was deserted when I arrived to catch my usual train. By the time the train came into the station I had been joined by two other commuters who stood as far as possible away from me at the other end of the platform. I was able to travel in style, with a whole carriage to myself. I indulged in the luxury of putting my belongings on the adjoining seat, knowing that I was not depriving an irritated fellow commuter of a place to sit. Very few people joined the train at intermediate stations and the journey was problem free and on time. Clearly the trains operated far better without passengers!

At City Thameslink the platform was eerily quiet, and I was able to scamper up the escalator and exit immediately, making my selection from the row of empty exit barriers. This was in stark contrast to the old familiar routine of shuffling along a crowded platform towards the exit, standing on a packed escalator and then funnelling through a queue at the barriers to leave the station.

The sight of a deserted Holborn was unexpectedly shocking. There was a solitary empty London bus, and no other traffic on the road. The pavement was empty, with no crowd of commuters bustling along the pavement to work, juggling coffees and mobiles!



The only other visible human beings were workmen in hard hats, involved in the construction of a huge office building on the corner of Grays Inn Road. At Chancery Exchange I was delighted to see the friendly faces of the security guards. They were the first people, outside my family, that I had chatted to in person since the previous March.

The hearing centre had been adapted to be as safe as possible for adjudicators, with the provision of hand sanitiser, alcoholic wipes for equipment and social distancing. Administrative and IT services were provided remotely. I spent solitary days in a closed hearing room, making telephone calls to appellants who had expressed a preference for a personal hearing. The day flew past, and I enjoyed hearing appeals from a wide variety of appellants, located all over the United Kingdom.

The convenience of telephone hearings has proved popular with appellants, especially with those located far from London. More colleagues have returned to the hearing centre, and telephone hearings have continued throughout the pandemic as an emergency response to these unprecedented events.

At time of writing, restrictions have lifted, but we continue to operate cautiously, within government guidelines. Little by little, life has been returning to Holborn, and the streets are no longer deserted.



11. Useful Information

The structure of the Road User Charging Adjudicators' Tribunal

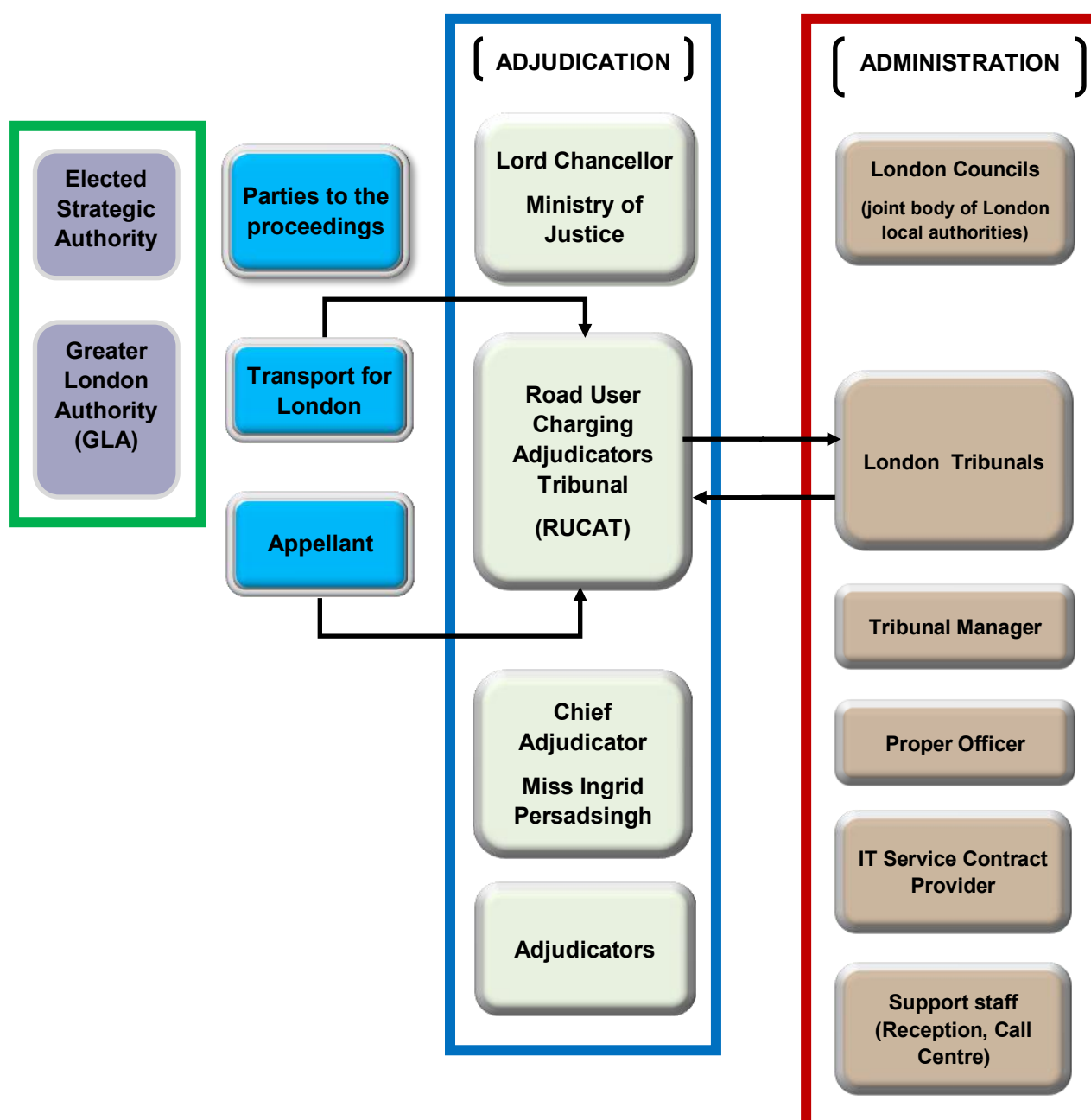
What is 'RUCAT'?

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

Who are London Tribunals?

London Tribunals 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 Environment 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 London Tribunals:



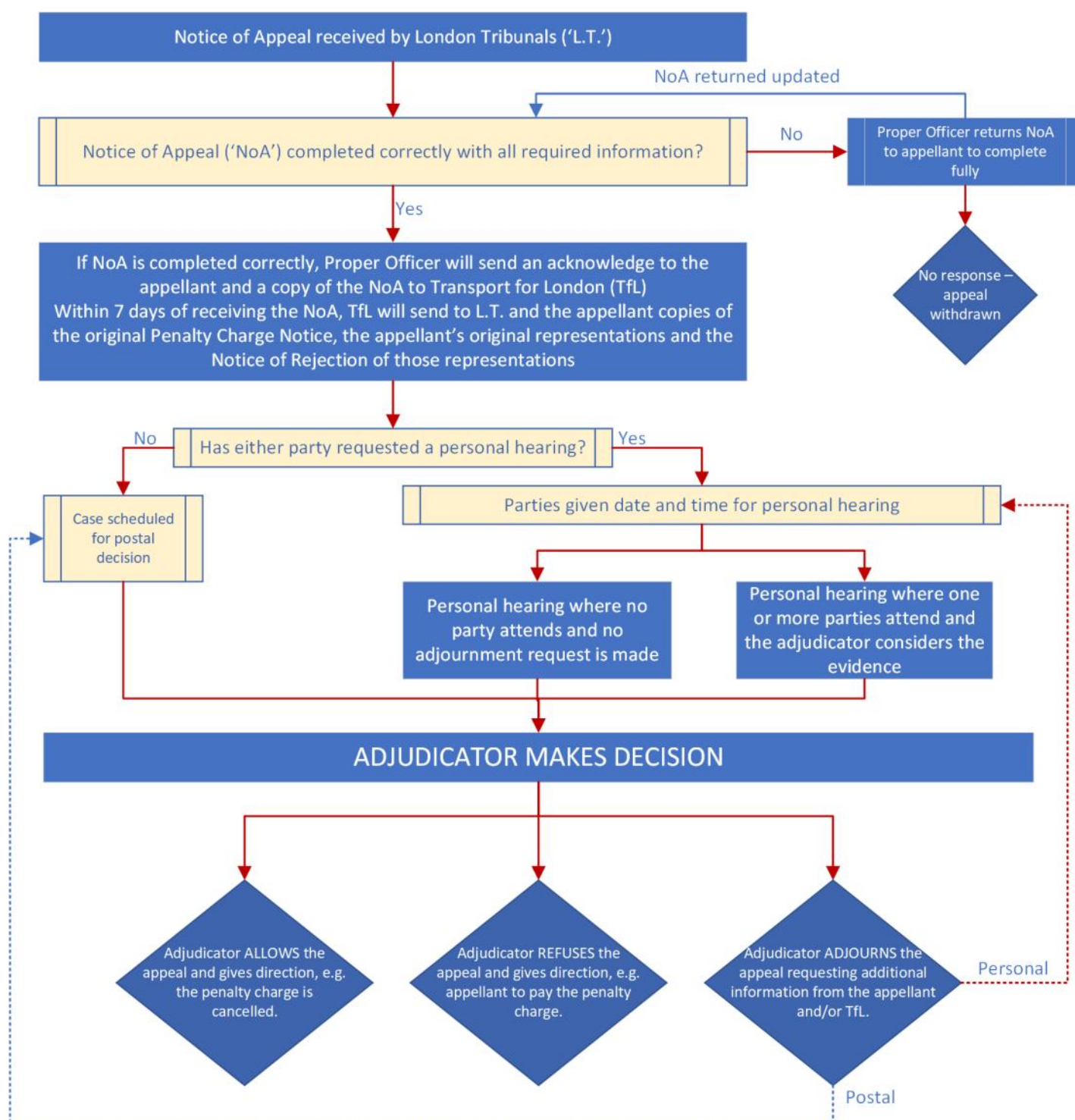
The appeal process

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

If TfL accepts those representations, then the PCN will be cancelled.

If TfL rejects the representations, the registered keeper of the vehicle may APPEAL to the Road User Charging Adjudicator. The APPEAL is an appeal against TfL's decision to reject the written representations.

The following diagram explains the process of an appeal once it is received by London Tribunals ('L.T.').



Grounds of appeal

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

This means that TfL 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 TfL or that the vehicle was not subject to an exemption.

If TfL 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.

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

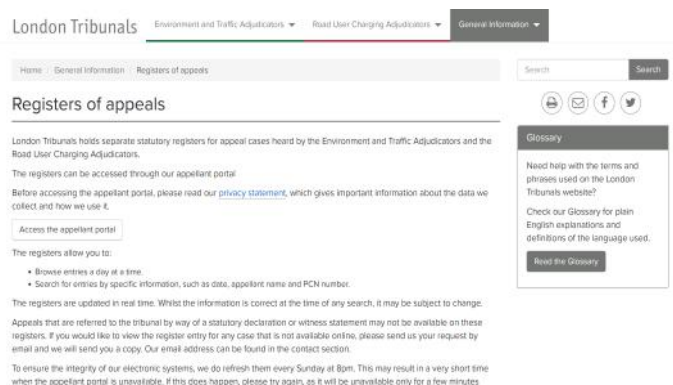
The Adjudicator CANNOT consider mitigating factors. This has been upheld by the High Court.



London Tribunals' website



Statutory register



London Tribunals maintains a website (www.londontribunals.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.

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 2001 (as amended)*.

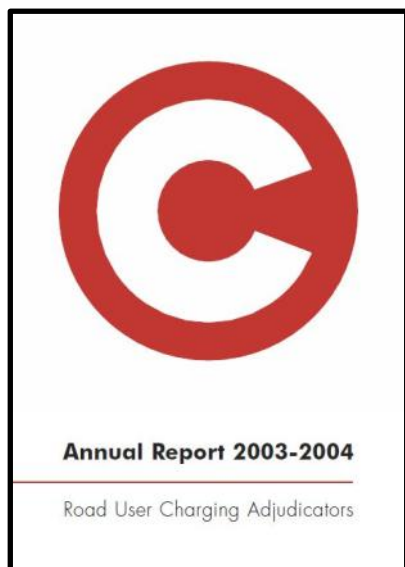
It is a register of all appeals and the decisions made on them.

The Register can be viewed online at <https://www.londontribunals.gov.uk/> 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.

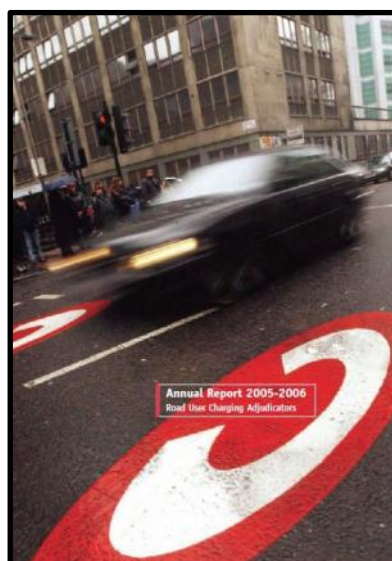
The Register can also be examined at the hearing centre.



Previous annual reports *(click report cover to view report)*



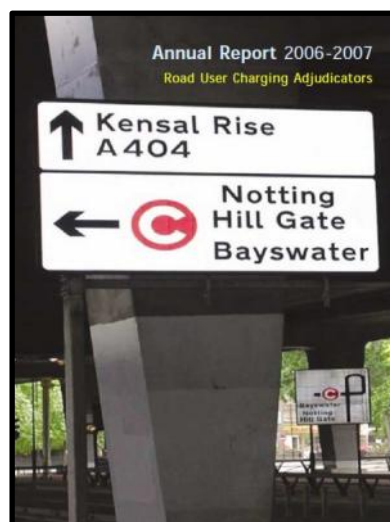
2003-04



2004-05



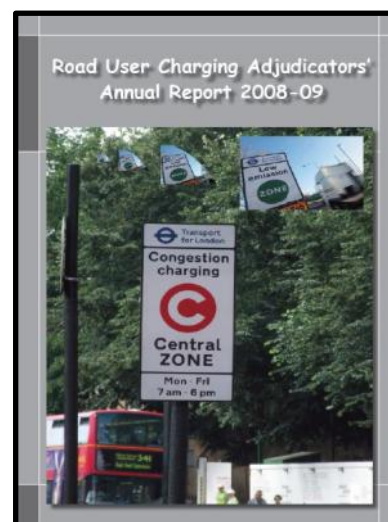
2005-06



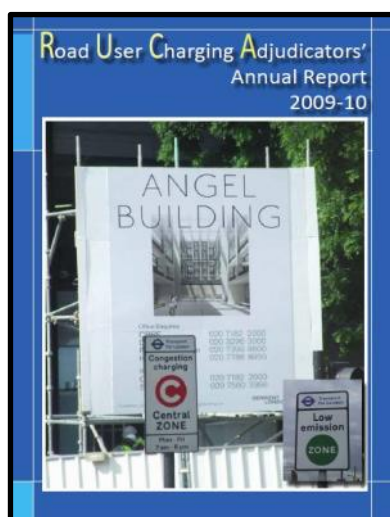
2006-07



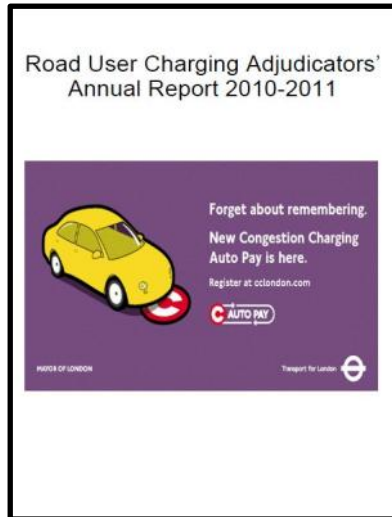
2007-08



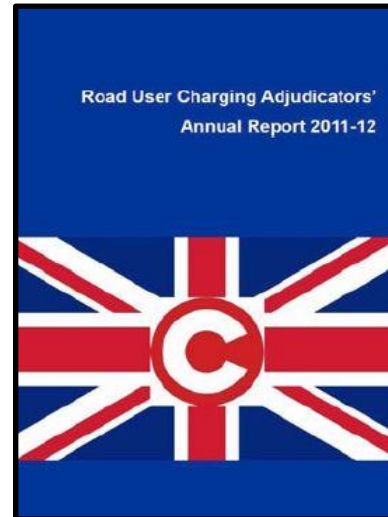
2008-09



2009-10

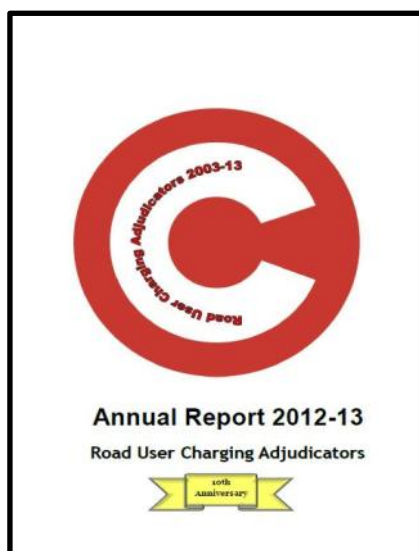


2010-11

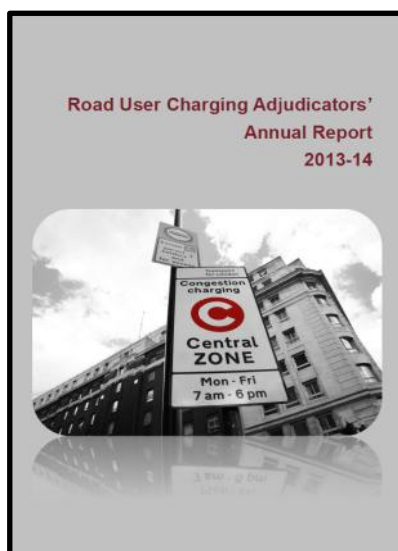


2011-12

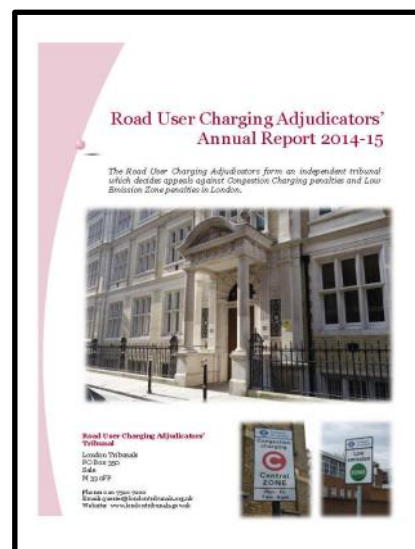
Previous annual reports (click report cover to view report)



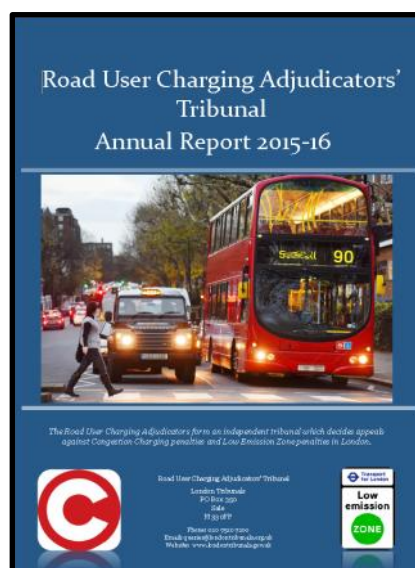
2012-13



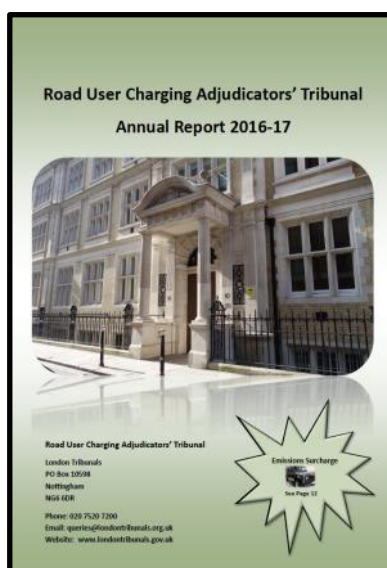
2013-14



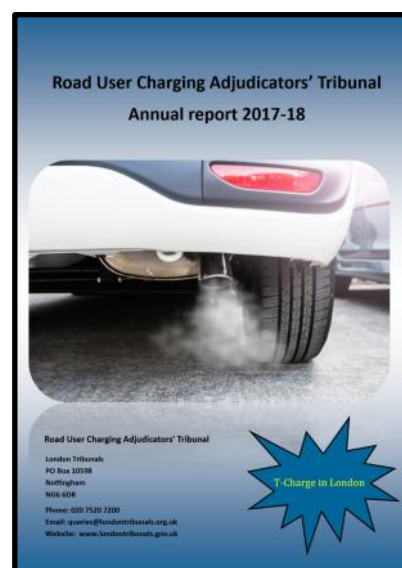
2014-15



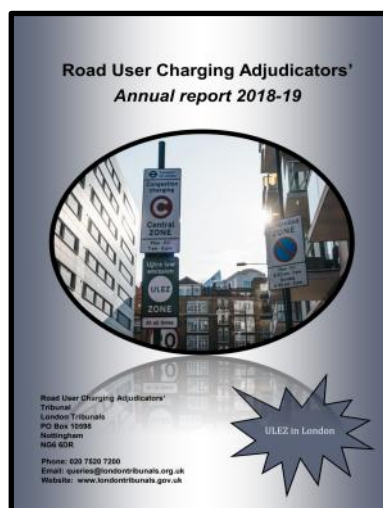
2015-16



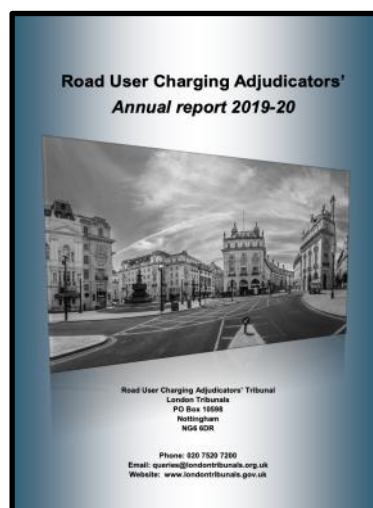
2016-17



2017-18



2018-19

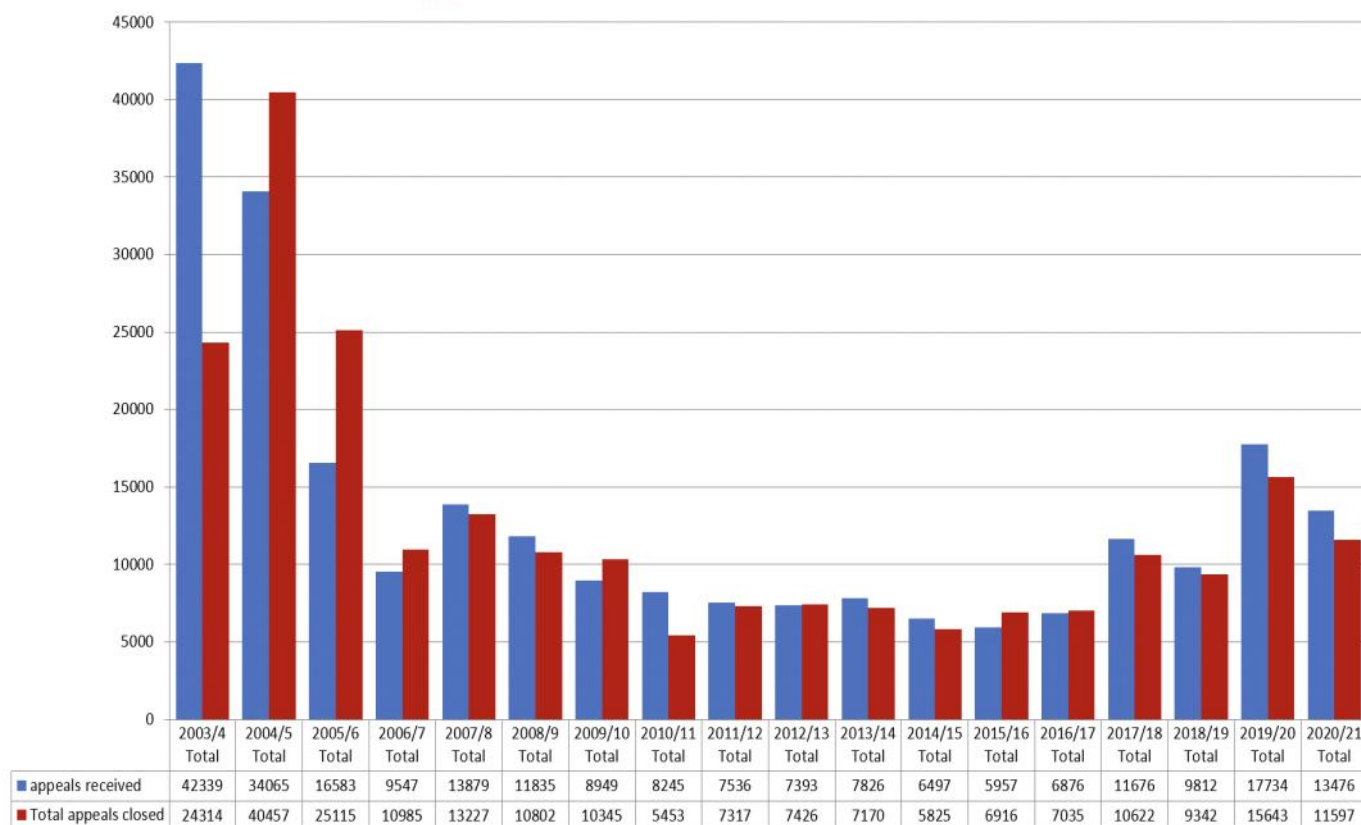


2019-20

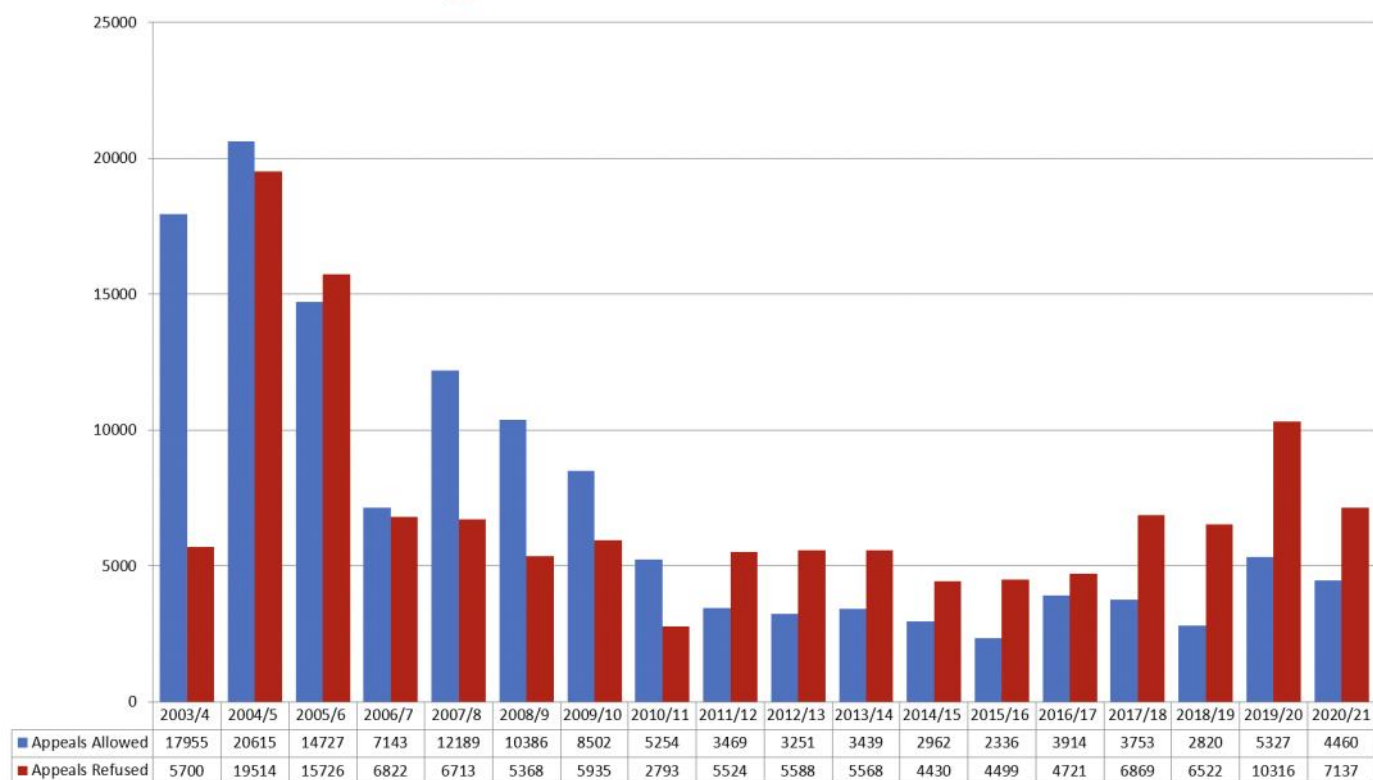


Appendix 1 — Appeals 2003—2021

Appeals received and cases closed 2003-2021

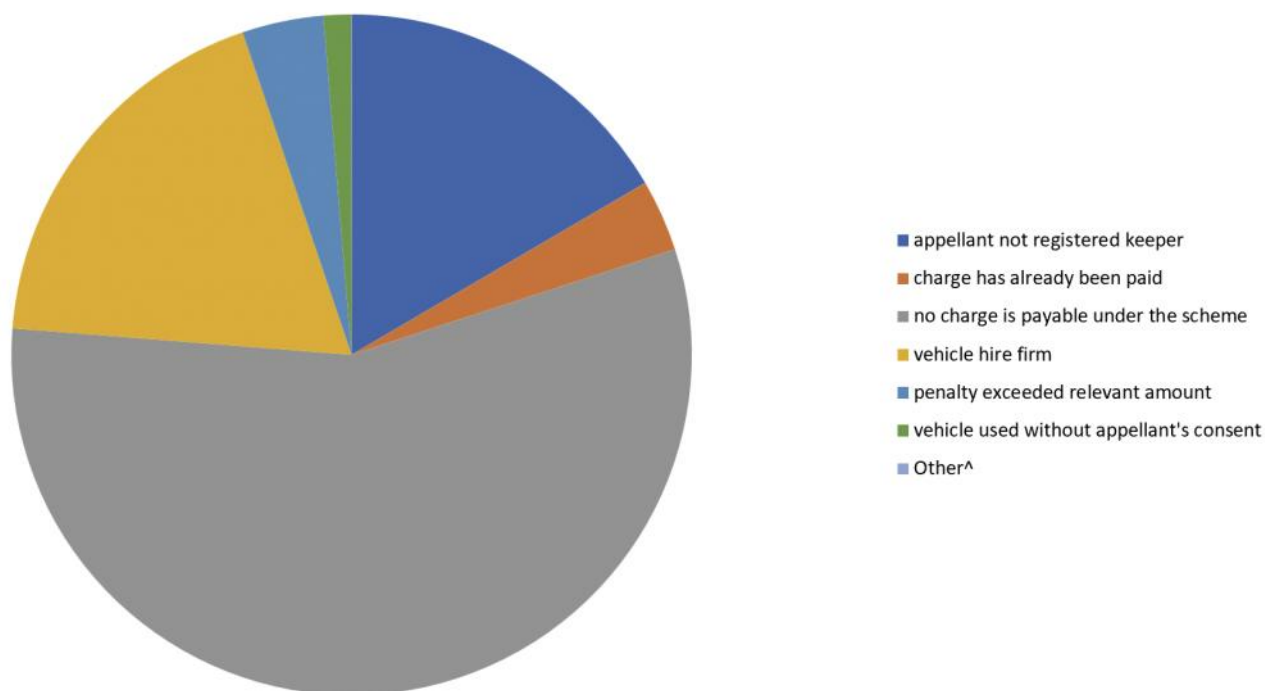


Appeals allowed and refused 2003-2021

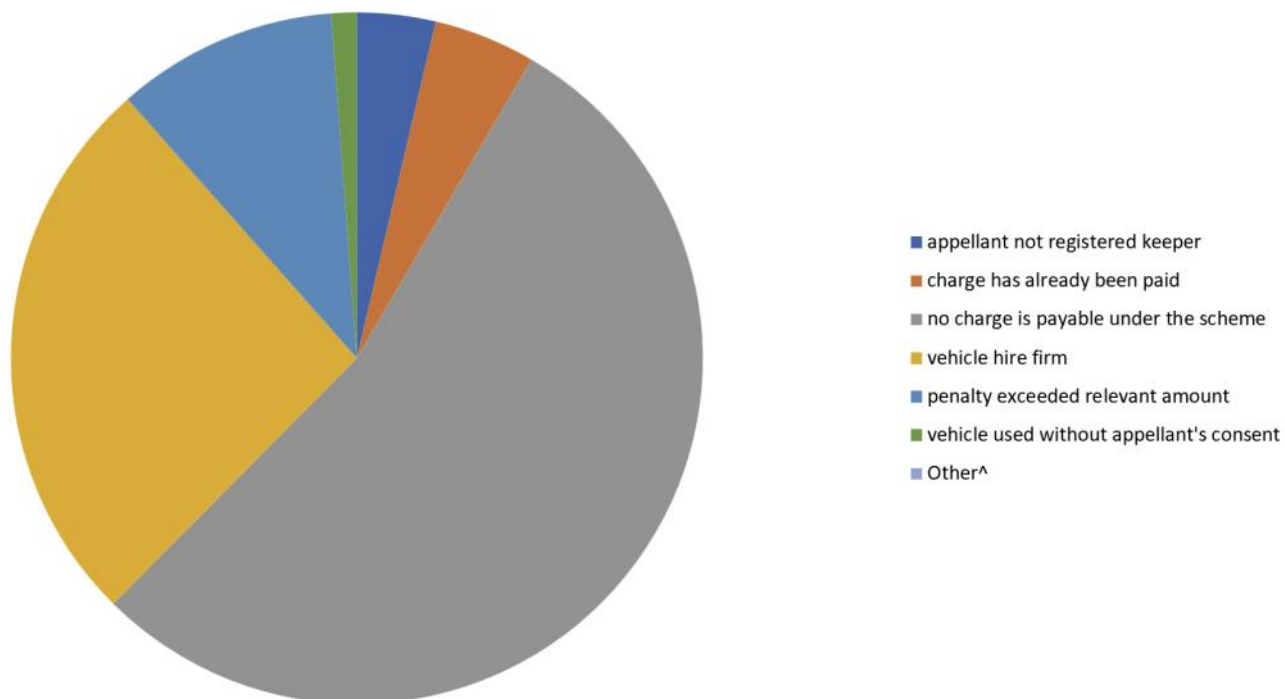


Appendix 2 - Appeal decisions (by ground) 2020/21

Summary of decisions by ground of appeal (allowed) 2020/21



Summary of decisions by ground of appeal (refused) 2020/21



Appendix 3 - Congestion charging statistics 2016-21

(see previous reports for figures prior to 2016)

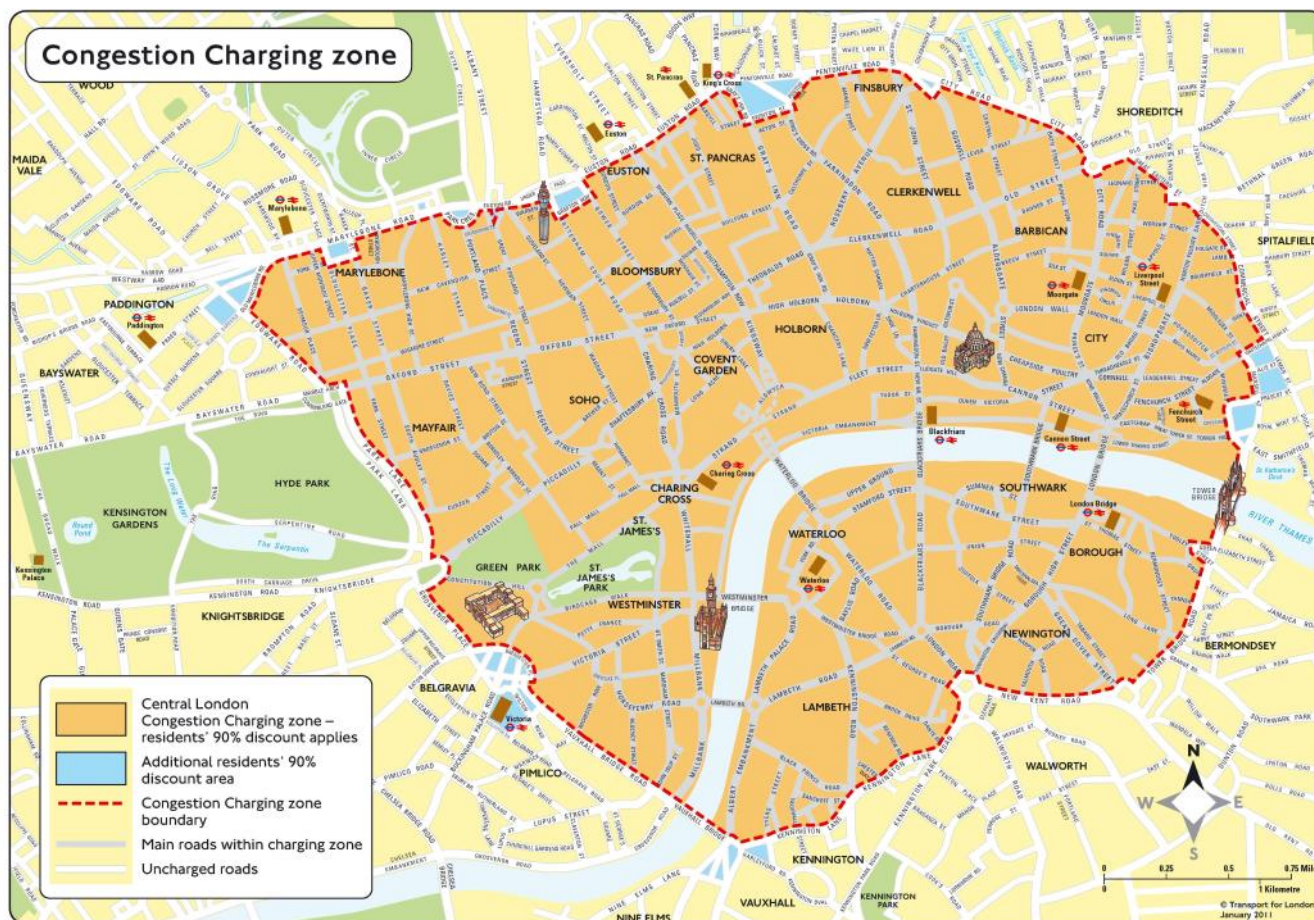
	2016/17	2017/18	2018/19	2019/20	2020/21
Appeals received	6876	11676	9812	17734	13476
Total appeals closed	7035	10622	9342	15643	11597
Appeals withdrawn by appellants	174	132	235	749	422
Appeals not contested by TfL	1496	2738	1756	4559	3643
Appeals refused postal	3258	4572	4326	6941	6449
Appeals allowed postal	1797	3152	1703	3344	3610
Appeals refused personal	1289	2297	2196	3375	688
Appeals allowed personal	621	601	1117	1983	850
Closed administratively	70	0	0	0	0
Appeals adjourned	139	326	237	886	21
Review decisions	64	269	311	130	90
Costs decisions	4	9	25	42	107
Postal cases ready for adjudication at end of year	824	791	427	1378	842
Personal hearings scheduled	705	629	606	1948	1072
% withdrawn by appellants	2.47%	1.24%	2.52%	4.79%	3.64%
% not contested by TfL	21.27%	25.78%	18.80%	29.14%	31.41%
% refused postal	46.31%	43.04%	46.31%	44.37%	55.61%
% allowed postal	25.54%	29.67%	18.23%	21.38%	31.13%
% refused personal	18.32%	21.62%	23.51%	21.58%	5.93%
% allowed personal	8.83%	5.66%	11.96%	12.68%	7.33%
% closed administratively	1.00%	0.00%	0.00%	0.00%	0.00%
% of cases allowed	34.37%	35.33%	30.19%	34.05%	38.46%
Average postal hearing (mins)	11.71	11	13	8	16.24
Average personal hearing (mins)	22.47	14.25	25	17	10.31
% of cases 1st considered within 56 days	n/a*	71.82%	69.23%	88.80%	46.57%
Average days delay	55	53	56	41	79
% hearings within 15 mins	84%	85%	85%	89%	n/a~
Summary of decisions by ground of appeal (allowed)	2016/17	2017/18	2018/19	2019/20	2020/21
Appellant not registered keeper	352	273	359	534	725
Charge has already been paid	106	308	115	344	149
No charge is payable under the scheme	1408	2306	1858	2901	2460
Vehicle hire firm	418	711	553	1197	812
Penalty exceeded relevant amount	93	125	82	262	169
Vehicle used without appellant's consent	33	29	86	89	57
Other^	8	1	0	0	1
Summary of decisions by ground of appeal (refused)	2016/17	2017/18	2018/19	2019/20	2020/21
Appellant not registered keeper	183	130	166	255	265
Charge has already been paid	201	299	322	767	344
No charge is payable under the scheme	2949	4416	4291	5509	3901
Vehicle hire firm	827	1407	1059	2828	1881
Penalty exceeded relevant amount	316	490	390	830	747
Vehicle used without appellant's consent	44	60	41	122	86
Other^	27	67	20	5	0

* not available because of a change in case management system

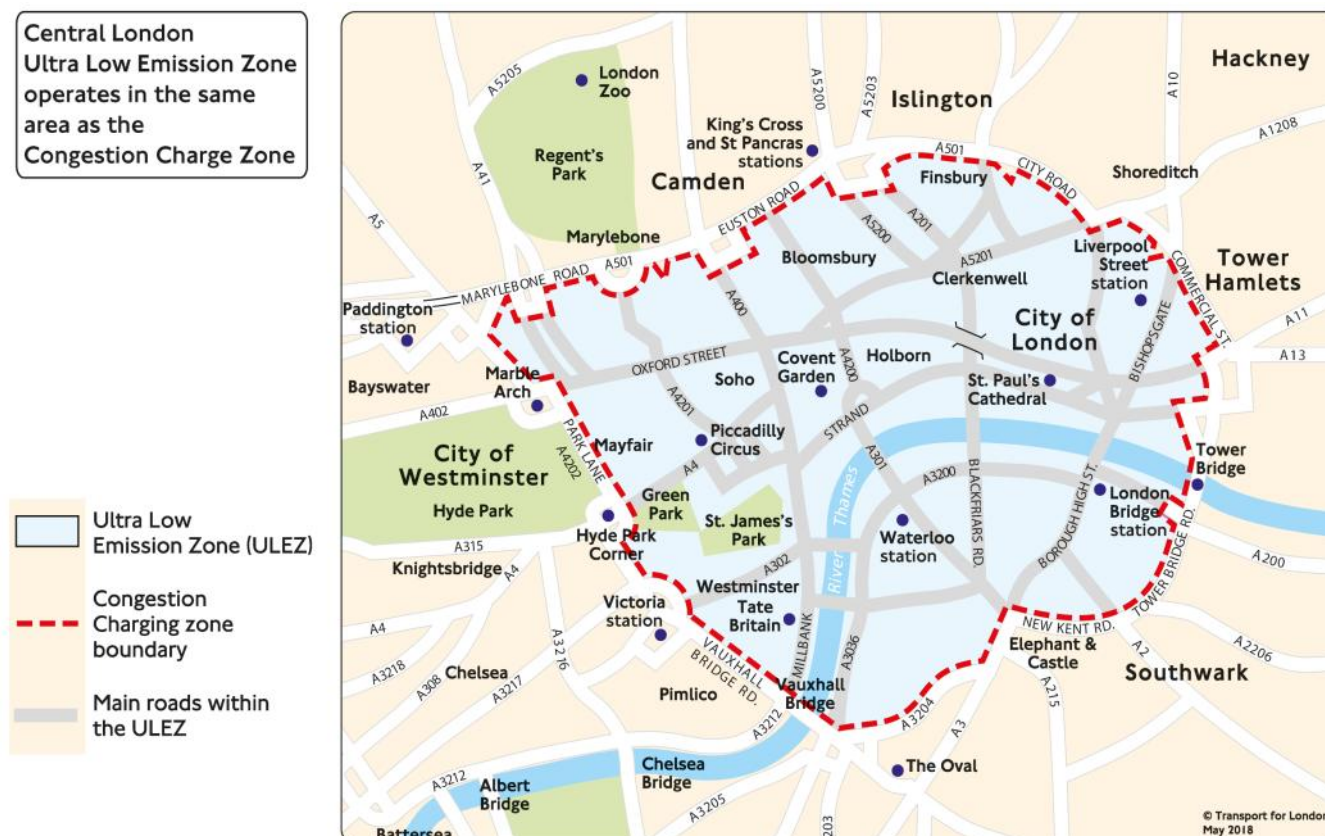
^ Cases where the ground of appeal is not recorded

~ Not recorded this year as adjudicators have been conducting telephone hearings

Appendix 4 - Congestion Charge and Ultra Low Emission Zone maps



Central London
Ultra Low Emission Zone
operates in the same
area as the
Congestion Charge Zone





Useful addresses

Office for Judicial Complaints

10th Floor Tower 10.52

102 Petty France

London

SW1H 9AJ

Telephone: +44-(0) 203 334 2555

Fax: +44-(0) 203 334 2541

E-mail: customer@ojc.gsi.gov.uk

Website: <http://judicialcomplaints.judiciary.gov.uk/>

Office of the Judicial Appointments and Conduct Ombudsman

9.53, 9th Floor Tower

102 Petty France

London

SW1H 9AJ

Website: <http://www.justice.gov.uk/about/jaco.htm>



**Road User Charging Adjudicators (RUCA)
London Tribunals
PO Box 10598
Nottingham
NG6 6DR**

Telephone: +44-(0) 207 520 7200
*(Monday to Thursday 8.00 am to 6.30 pm, Friday 8.00 am to 6.00 pm and
Saturday 8.30 am to 2 pm, excluding bank holidays)*

**e-mail: queries@londontribunals.org.uk
Website: <http://londontribunals.gov.uk/>**

**Hearing Centre at:
Chancery Exchange (Ground Floor)
10 Furnival Street,
London
EC4A 1YH**