



Challenges, Representations and Appeals Policy and Guidance

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Environmental Scrutiny: 19th March 2019



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Background

- Parking, bus lane and moving traffic enforcement supports promotion of sustainable travel and improve driver behaviour.
- Delegation of powers to enforce now with Local Authority from Police.
- Guidance and good practice is utilised by the appeals team to support making decisions.
- Currently there is no documented / formal policy or guidance for Challenges, Representations and Appeals.



Why do we need to have a policy and guidance?

To provide officers and citizens with the council's guidance on challenges, representations and appeals against the issuing of penalty charge notices.

- *Welsh Government guidance states 'Authorities should formulate (with advice from their legal department) and then publish their policies on the exercise of discretion'.*

Outcome

To ensure processes for pursuing outstanding penalties are efficient, effective and easy to understand.



What will having a policy and guidance change?

The Policy does not change legislation relating to pursuing outstanding penalties but provides consideration principles:

1. Merit of the Case
2. Council Policy
3. Statutory Obligations
4. Driver/vehicle history

Outcome

Provides clear and transparent information on how Challenges, Representations and Appeals are dealt with by Cardiff Council.



Will the policy and guidance provide the outcome for every challenge, representation or appeal

The policy and guidance will assist Officers to manage each case but it is only guidance

- *The Council is under a legal duty never to fetter its discretion and all challenges, representations and appeals must be considered on their own merits, provided legislation is observed to at all times.*

Outcome

To ensure an open and fair approach to dealing with challenges, representations and appeals.



Other key points in the policy and guidance

1. Medical emergencies – Officers will consider on proof provided.
2. Payment Plans – Officers will consider if there is evidence of citizen experiencing financial difficulties.
3. Following Notice of Rejection of Representations – Information on how formal representations can be made to the Traffic Penalty Tribunal.
4. Common Scenarios (appendices) – Example scenarios and outcomes.



Core data from 2017/18 on appeals

Parking Enforcement Statistics (PCN's)		%
Issued	59,668	
Appeals received	12,604	21%
successful	6,985	12%
unsuccessful	4,857	8%
Cancelled	8,438	14%
Paid at discount	33,131	56%
Paid at full	6,484	11%
Paid at surcharge	1,533	3%
Total paid to date	41,148	69%
Total Outstanding at year end	10,082	17%

Moving Traffic Offence Statistics		%
Issued	144,578	
Appeals received	18,535	13%
successful	9,269	6%
unsuccessful	4,834	3%
Cancelled	26,782	19%
Paid at discount	87,152	60%
Paid at full	2,259	2%
paid at surcharge	4,692	3%
Total paid to date	94,103	65%
Total Outstanding at year end	23,693	16%

- 204,246 PCN's issued with 31,139, 15% or 1 in 7 appealed
- From 31,139 appeals, 16,254 or 52% are accepted
- Cardiff are 3rd of 7 core cities in terms of appeals accepted



Core Data from 2018/19 on cases taken to Traffic Penalty Tribunal

2018/2019	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
PCNs issued (report 0419) (CM06)	4,772	5,664	5,422	4,620	4,936	6,576	6,935	7,376	4,970	0	0	0	51,271
CCTV PCNS (see 0079)	13,717	14,712	14,731	15,631	14,497	12,956	18,078	19,612	16,745	0	0	0	140,679
NtOs issued (report 0079)	1,608	1,378	1,289	1,779	1,201	777	2,081	627	2,098	0	0	0	12,838
Charge Certificates issued (rep 0079)	3,144	3,185	3,685	3,705	3,123	3,072	4,410	874	5,603	0	0	0	30,801
Informal challenges rec inc ON Hire reps (rep 0243)	1,040	1,468	1,393	1,442	1,568	1,369	1,123	1,354	952	0	0	0	11,709
Formal representations received (rep 0243)	1,929	2,145	2,067	2,043	2,034	1,680	1,106	994	682	0	0	0	14,680
On line challenges (rep 0243)	752	695	735	693	672	1,128	2,089	2,664	2,013	0	0	0	11,441
Acknowledgements within 7 days	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	12
TPT appeals received	33	69	58	43	55	48	82	55	35	0	0	0	478
TPT cases not contested	8	5	4	8	9	10	12	6	5	0	0	0	67
	25	64	54	35	46	38	70	49	30	0	0	0	
TPT decisions received (CM07 denominator)	10	45	32	15	19	22	48	27	7	0	0	0	225
TPT Decisions in favour of Council (CM07 numerator)	9	30	14	10	7	8	24	16	4	0	0	0	122
TPT Decisions in favour of Council %	90%	67%	44%	67%	37%	36%	50%	59%	57%	#DIV/0!	#DIV/0!	#DIV/0!	54% overall
TPT decisions awaited	15	19	22	18	27	16	24	22	23	0	0	0	
Quarterly TPT decisions to Council	67%			47%			55%			#DIV/0!			



Questions / Discussion

