



# Challenges, Representations and Appeals Policy and Guidance

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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 3<sup>rd</sup> 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	<b>51,271</b>
CCTV PCNS (see 0079)	7	2	1	1	7	6	8	2	5	0	0	0	<b>140,679</b>
NtOs issued (report 0079)	1,608	1,378	1,289	1,779	1,201	777	2,081	627	2,098	0	0	0	<b>12,838</b>
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	<b>30,801</b>
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	<b>11,709</b>
Formal representations received (rep 0243)	1,929	2,145	2,067	2,043	2,034	1,680	1,106	994	682	0	0	0	<b>14,680</b>
On line challenges (rep 0243)	752	695	735	693	672	1,128	2,089	2,664	2,013	0	0	0	<b>11,441</b>
Acknowledgements within 7 days	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	<b>12</b>
TPT appeals received	33	69	58	43	55	48	82	55	35	0	0	0	<b>478</b>
TPT cases not contested	8	5	4	8	9	10	12	6	5	0	0	0	<b>67</b>
	<b>25</b>	<b>64</b>	<b>54</b>	<b>35</b>	<b>46</b>	<b>38</b>	<b>70</b>	<b>49</b>	<b>30</b>	<b>0</b>	<b>0</b>	<b>0</b>	
TPT decisions received (CM07 denominator)	10	45	32	15	19	22	48	27	7	0	0	0	<b>225</b>
TPT Decisions in favour of Council (CM07 numerator)	9	30	14	10	7	8	24	16	4	0	0	0	<b>122</b>
TPT Decisions in favour of Council %	90%	67%	44%	67%	37%	36%	50%	59%	57%	#DIV/0!	#DIV/0!	#DIV/0!	<b>54% overall</b>
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

