

Dublin City Council Report of the Parking Appeals Officer 2015



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Dublin City Council



2013



2015



2011



2012



2009

Key Points

+24 million on-street parking events in Dublin in 2015

1 in 444 (0.2%) vehicles clamped – 54,069

59% - no valid ticket/permit

41% – traffic offences

2 cars clamped 54 times in 4 years

5.5% appeals - 2,994

70% un-successful

30% - full or partial refund – many as gestures of goodwill

102 free public safety relocations of vehicles for An Garda Siochana for traffic management of events in Croke Park, Aviva Stadium, Dublin City Marathon, Women's Mini-marathon, movement of large loads through the city streets for Guinness Brewery and ESB power stations.

Customer service developments introduced in making it as convenient for motorists to pay for parking – bank card on-street machines, +1000 on street coin machines, pay in shop at +300 retail outlets, Parking Tag, and in 2016 a new on their mobile phone account or bank card.

Information on photograph on the Front Cover

Cashless Parking Payments:

2009 – Launch of Parking Tag Service by Lord Mayor

2011 – Launch of Retail Parking Payment Solution (pay-in-shop)

2012 – Extension of Parking Tag Service to Fingal, Dun Laoghaire and South Dublin County Councils

2013 – Launch of Parking Tag Payment App

2015 – 100,000th member signs up to Parking Tag System

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Introduction

This is the report of the independent Parking Appeals Officer for Dublin City Council for the year 2015.

The Parking Appeals Officer is required to prepare an annual report for the City Council on the operation of the parking appeals system. The report must detail how the system has operated during the period including

- the number of appeals received
- the number of complaints received
- the percentage of successful appeals
- the average processing time for appeals

The report is required to highlight any regular or recurring sources of appeal/complaint and indicate short-comings in the service as identified through the appeals process.

The report reviews parking enforcement activity in the city during 2015 and presents figures on the parking appeals received and decided during the year. The data presented has been prepared in close co-operation with the Parking Enforcement Section of the City Council. The key information on parking enforcement and appeals activity is summarised in the body of this report and detailed tables are included in the appendices.

It is vital to put any consideration of the points raised in this report into an overall perspective:

- at 54,069, the number of vehicles clamped is tiny compared to the millions (estimated minimum 24 million¹) of on-street parking events in the city each year
- at 2,994, the overall number of Stage 1 appeals received was only 5.5% of total clamping events recorded during 2015

In total 1,061² (30%) appellants, from 3,551 cases decided in 2015, received either a full or a partial refund, albeit many as gestures of goodwill, while 2,460 (70%) appeals were declined.

The report is scheduled for consideration by the Strategic Policy Committee on Transport and Traffic, following which it will be made available to the public via www.dublincity.ie.

¹ Estimate based on P&D 10 M, Parking Tag 3.2M, Resident Permits 6.6M (18,200 permits x 365 days), Visitor Discs 0.4M, Loading/Disabled Bays 4M. Estimate excludes parking by taxis/buses/coaches, drop off/pick-ups including deliveries, parking on-street outside of P&D hours etc.

² Stage 1 = 721 x 100% refunds, Stage 2 = 340 [191 x 100% and 149 x 50%]

1. Background

1.1 General

Dublin City Council has responsibility for the management of on-street parking enforcement in the city. It operates 1,064 Pay & Display meters for almost 30,000 on-street parking spaces and in 2015 dispensed 10 million P&D parking tickets. In addition the Parking Tag system recorded 3.2 million paid parking events generated by 108,510 registered motorists. The new retail option for motorists to register and pay for parking in any Payzone outlet reported +51,000 transactions. The Council also operates parking permit schemes for more than 18,200 residents and their visitors throughout the city. In 2015 the Council issued 15,704 new/replacement residential parking permits and 386,484 visitor parking discs.

To ensure ease of access for all motorists Dublin City Council administers and enforces parking and traffic regulations across the city. These are designed to ensure high turnover of parking spaces in the city centre and other areas of high parking demand. A system of clamping, relocations and removals, first introduced in late 1998, has been central to the success of the Council's efforts. This system includes an appeals process for motorists. The City Council encourages compliance with the parking regulations via signs and notices and highly visible parking enforcement vehicles and uniformed staff. The service is currently provided under contract by parking enforcement contractor ('PEC') Dublin Street Parking Services ('DSPS').

The parking enforcement service carried out 102 free public safety vehicle relocations on behalf of An Garda Síochána including at major events in Croke Park, Aviva Stadium and along the routes of the Dublin City and Women's mini-marathons. The vehicles were parked legally but because of the crowds had to be relocated for safety reasons. In addition the PEC provided assistance in the clearance of routes to assist in the transport of extra wide/long loads of equipment to the Guinness Brewery and ESB sites.

Drivers whose cars are clamped are required to pay a statutory clamp release fee of €80 before their vehicle is de-clamped or a fee of €160 and a storage charge of €35/day to have their vehicle released from the pound. These fees have remained unchanged since the scheme was originally introduced +17 years ago, in October 1998³.

The purpose of the clamp release fee, in the author's opinion, is two-fold:

- Deterrence to deter non-compliant parking and traffic behaviour
- Cost Recovery to seek to recover some of the actual cost of delivering the enforcement service.

1.2 Persistent Offenders

An analysis of the registration numbers of the 54,069 vehicles clamped in 2015 highlighted the number of these vehicles which were repeat offenders over the four year period 2012 to 2015.

40,733 cars (75%) clamped in 2015 had been clamped only once in the four year period 2012-2015.

11,324 cars (21%) had been clamped 2, 3 or 4 times.

2,010 cars (4%) were clamped between 5 and 50 times.

³ These fees are set by statute and can only be changed by Dail Eireann.

2 cars were clamped more than 51 times

The two most persistent offenders were each clamped, on average, once every 3 or 4 weeks for a total of 54 times in the 48 months.

For the +2,000 persistent offending motorists it is clear that the current declamp fees are not an effective deterrent. In the authors opinion there is therefore a strong case for updating the regulations to allow for tiered clamp release fees to target persistent offenders, for example cars clamped more than say three times in the previous 12 months could face clamp release fees of €160 (2 x €80). If that did not work then the Council should have the right to increase this fee further for these types of offenders.

Persistent Offenders Sanctioned in 2015

Frequency	Cars	%
1	40,733	75%
2	7,309	14%
3	2,710	5%
4	1,305	2%
5-10	1,696	3%
11-15	195	0%
16-20	62	0%
21-50	57	0%
51+	2	0%
Total	54,069	100%

The top ten streets for vehicle clamping in the city during 2015 were

Rank	Street	Clamps
1	ORMOND QUAY UPPER	768
2	MESPIL ROAD	740
3	BURLINGTON ROAD	668
4	WOLFE TONE STREET	660
5	WATERLOO ROAD	645
6	MERRION SQUARE WEST	600
7	MOLESWORTH STREET	566
8	GARDINER ST LOWER	561
9	EARLSFORT TERRACE	496
10	CIRCULAR ROAD SOUTH	482
	Totals	6,186

These ten locations represented + 11% of total clamps in 2015. The Council concentrates enforcement effort in the areas of highest parking and traffic demand e.g. Merrion Square, Ballsbridge, Pearse St., Henry St., the city quays and otherwise does not target particular streets or areas.

1.3 Enforcement Effort by Parking Offence

The top ten offences for which vehicles were clamped in 2015 were:

Rank	Name	Count	%
1	P&D/Permit Area w/o Displaying Valid Permit	21,646	40%
2	No Valid Paid Parking	10,053	19%
3	Parking on Clearway	4,733	9%
4	Parking Vehicle in a Loading Bay	3,138	6%
5	Parking at Double Yellow Line	2,266	4%
6	Parking in Appointed Stand (Taxi Stand)	2,134	4%
7	Parking On a Footway	2,083	4%
8	Goods Vehicle in Loading Bay >30 mins	1,596	3%
9	Parking in Bus Lane - During Period of Operation	1,238	2%
10	Parking Within 5m of Road Junction	1,109	2%
	Others	4,073	8%
	Total	54,069	100%

The top two offences – failure to display a valid ticket/permit or to register via Parking Tag - accounted for 59% of all enforcement events in 2015. 41% of offences related to traffic management issues.

1.4 Cost Recovery

Based on changes in the Consumer Price Index today's €80 clamp release fee is worth less than €60 in 1998 money, i.e. a +25% reduction in its real deterrent effect.

The primary focus of the service is to encourage compliance and not to recover costs. In an ideal world where there was nearly 100% compliance there would be little or no direct cost recovery but the enforcement service would still be essential.

1.5 New Initiatives

1.5.1 Warning Notices

A key part of the enforcement role of DCC is to provide an effective deterrent against illegal parking. The use of Warning Notices can assist in providing such a deterrent in certain circumstances. A total of 646 notices were issued in 2015 in situations including:

- The warning of an occupied vehicle parked illegally. In these situations, the parking enforcement contractor ('PEC') does not apply a clamp but may apply a warning notice to encourage the parker not to repeat the offence. This warning is recorded on the system.
- Enforcement in sensitive areas particularly in response to complaints from members of the public e.g. parking on footways or grass verges in suburban residential areas. DCC may decide to deal with the issue, in the first instance, through the application of warning notices rather than clamping. Persistent non-compliance will result in clamping.
- As part of the introduction of new parking schemes in residential areas, the approach has been to warn illegally parked vehicles for an initial period. This helps to inform

and educate frequent parkers in the area that they need to pay for their parking and where applicable to encourage residents to apply for permits in a timely manner.

1.5.2 Additional Payment Options

At time of writing DCC has launched further customer service enhancements to the Pay by Phone service including once off payments for motorists charged parking to their phone bill/credit or debit/credit card with no need to register on the Parking Tag service.

2. Parking Appeals Service

2.1 Brief Outline

Dublin City Council operates a two-stage process for persons wishing to appeal clamping and other parking related enforcement decisions:

- Stage 1. Appeals are first considered by Dublin Street Parking Services, the parking enforcement contractor
- Stage 2. Appellants who are dissatisfied with the outcome of the Stage 1 appeals process may appeal to the independent Parking Appeals Officer.

Information on the appeals process is included in the enforcement documentation attached to each vehicle when it is clamped and is also available on the Dublin City Council website.

In the first instance a motorist who is dissatisfied with the clamping of their vehicle lodges an appeal with the parking enforcement contractor. The PEC normally decides appeals within seven days of receipt but in exceptional cases this may take longer. If a decision has not issued after 21 days a holding letter is issued and if the matter is not resolved within 56 days the motorist receives a full refund of the clamping fee provided they have not delayed the process by failing to provide requested information.

In cases where the initial appeal is declined the motorist is advised of this decision in writing and the letter includes details of the option to appeal the matter to the independent Parking Appeals Officer. These Stage 2 appeals are collated by Dublin City Council staff and are reviewed by the Parking Appeals Officer when he visits the Civic Offices, normally twice per month. The average time taken from receipt of a Stage 2 appeal to the issue of a decision letter is three weeks.

A detailed description of the process is set out in Appendix 5.

2.2 Parking Appeals in 2015

Parking appeals activity for 2015 is summarised in the following table.

Stage	Appeals from 2014	New Appeals in 2015	Appeals Decided in 2015	Appeals Carried to 2016
Stage 1	29	2,984	2,994	19
Stage 2	<u>66</u>	<u>492</u>	<u>527</u>	<u>31</u>
Totals	95	3,476	3,521	50

The statistics for appeals relate to the year in which appeals are decided and not to the year in which the original parking offence occurred. An appeal of a clamping event occurring, for example, in December 2014 but appealed in 2015 is included in the 2015 appeals figures while the clamping event is included in the 2014 data. An initial appeal submitted and decided in December 2014 would be counted in the 2014 figures but a subsequent Stage 2 appeal of the same clamping event lodged in 2015 would be counted in the 2015 Stage 2 figures.

The appeals figures include cases brought forward from 2014 but exclude a small number of cases submitted for re-consideration. At the end of the year there were 50 cases carried forward from 2015 into 2016 - 19 Stage 1 and 31 Stage 2.

It is important to appreciate that appeals are not complaints. In most cases the motorist lodging an appeal is claiming extenuating circumstances to explain why they were clamped. Complaints are usually explicit and almost always begin with a statement such as "I want to complain about..." Where a complaint is received it is addressed independently. An appeal may be declined while a complaint relating to the same event may be upheld and vice versa.

Complaints are considered separately from appeals. The PEC investigates each complaint and responds directly to the motorist, addressing each aspect of the complaint. Where a motorist is unhappy with the response to a complaint they may appeal to the Parking Appeals Officer who will review the complaint and respond to the motorist directly. In 2015 only 32 or 6.5% of the 492 Stage 2 appeals received included complaints.

The report considers the number and type of appeals received during 2015 and describes the decisions made on those appeals before discussing the issues of consistency in the decision making process and complaints. In the final section the report sets out some conclusions and recommendations for consideration by

(a) the City Council and

(b) the parking enforcement contractor.

The functions and procedures of the parking appeals service are set out in Appendix 4.

2.3 Overview of 2015

In 2015

14.0 million on-street pay parking events took place in Dublin City including

+10 million pay and display ('P&D') transactions including almost 80,200 payments on credit card only machines at Merrion Square South, Fitzwilliam Square South, Pembroke Street and Hume Street.

3.2 million Parking Tag parking events by +108,500 registered motorists including +51,000 retail transactions

54,069 vehicles were clamped, relocated and clamped or removed to the pound including

50,395 vehicles clamped for breaches of the parking or traffic regulations

3,180 vehicles re-located because they were causing an obstruction or interfering with traffic

494 vehicles removed to the pound because they appear to have been abandoned or were left clamped on-street for more than 24 hours

3,476 parking appeals were received including

2,984 Stage 1 appeals

492 Stage 2 appeals

The most common parking offences appealed at Stage 1 were

2,080 appeals - failure to display a valid disc, permit, P&D ticket or to have registered the vehicle on Parking Tag

191 appeals - parking in a clearway

The most common grounds of appeal set out by motorists at Stage 1 included

- 604 appeals - inadequate signage/road markings
- 548 appeals – issues with the Parking Tag service
- 434 appeals – P&D ticket not visible

At Stage 2 the offences most often appealed were

- 353 appeals - failure to display a valid disc, permit, P&D ticket or failure to register the vehicle on Parking Tag
- 37 appeals - parking on a clearway
- 22 appeals – parked in a taxi stand

The most frequent grounds of appeal at Stage 2 were

- 134 appeals - motorist had purchased a ticket but it was not visible
- 101 appeals - inadequate signage/road markings
- 48 appeals – issues with visitor parking permits/discs

In 2015 2,195 foreign registered vehicles were clamped – 4% of all vehicles sanctioned during the year. In the appeals process 116 foreign registered vehicles were identified in Stage 1 and 20 in Stage 2. Most of these cars would have avoided sanction under a parking fines system. Appeals decided citing 'foreign tourist' as the basis for the appeal included 22 at Stage 1 and 5 at Stage 2.

2.4 Decisions on Parking Appeals

At Stage 1

2,994 appeals, including 29 cases carried forward from 2014, were decided in 2015 including

- 721 (24%) appeals upheld and refunded
- 2,273 (76%) appeals declined

At Stage 2

527 appeals, including 66 cases carried forward from 2014, were decided in 2015 including

- 119 (23%) received 100% refund
- 72 (14%) received 100% refund with caution
- 149 (28%) received 50% refund
- 187 (35%) declined

In total 1,061 (30%) appellants, from 3,521 cases decided in 2015, received either a full or a partial refund, albeit many as gestures of goodwill while 2,460 (70%) appeals were declined. An increase in the percentage of appeals accepted and refunded at Stage 1 up from 16% to 24% in 2015 resulted in a reduction in Stage 2 appeals received both in terms of total numbers 492 vs 589 in 2014 and when measured as a percentage of Stage 1 appeals received – down from c. 22% to 16% in 2015. This is a welcome development.

2.5 Issues Raised in Appeals in 2015

Examples of issues raised in appeals considered during 2015 include:

P&D Ticket Not Visible

434 Stage 1 and 120 Stage 2 appeals related to P&D tickets not properly displayed – turned upside down, fallen onto the car floor, slipped down the dashboard under the screen edge or placed on side windows or rear windows.

At Stage 2, provided they had a valid ticket and were not previously refunded for a similar offence, these motorists received a 50% refund as a once only gesture of goodwill, because they had made an effort to comply with the regulations by purchasing a ticket.

Residents Parking Permit

260 Stage 1 and 48 Stage 2 appeals from holders of residents or visitor parking permits/discs related to issues such as

- (a) that on their arrival home that all the parking spaces on their street were occupied and that they had 'no choice' but to park on an adjacent street or
- (b) that the visitor had made an inadvertent error when scratching the visitor parking disc.

Provided this was a first appeal on these grounds, these motorists received a refund with caution. They were advised that their permits were only valid for the street printed on the permit and that if they parked elsewhere they were obliged to comply with the parking regulations on these other streets.

Clearways

191 appeals at Stage 1 and 37 at Stage 2 related to clearway offences during the year. The key issues in these appeals related to signage.

At Stage 1 most of these appeals were declined on the basis that the onus is on the motorist to check local signage and markings and to comply with the relevant regulations.

At Stage 2 the appeals are considered on their individual merits but most of these appeals got a sympathetic hearing provided this was a first appeal on these grounds.

Road Markings/Signage

604 appeals at Stage 1 and 101 Stage 2 appeals related to unclear markings and/or signs.

A number of appeals claimed that as there were no road markings that they should not have been clamped, e.g., parking within 5m of a junction or causing an obstruction. None of these offences require road markings to be in place.

Most of these appeals were declined on the basis that the onus is on the motorist to check local signage and markings and to comply with the relevant regulations.

At Stage 2, 52% of these cases received either a full or a partial refund.

Parking Tag Use

548 'Parking Tag'-related Stage 1 and 35 Stage 2 appeals were decided during 2015. Customers registering incorrect reg. numbers and forgetting to check these in the text confirmation of their transaction arose in a number of appeals. Motorists with access to 2 or more cars occasionally registered a car other than the one they were parking.

These appeals are considered on their merits. A small number received 50% refunds at Stage 1 as gestures of goodwill.

Only One Car of Several 'Offenders' Clamped

A small number of appeals arose based on motorists claiming that there were several cars parked in the same location, all parked in contravention of the regulations, but that only one car was clamped. The clamped motorists complained that it was unjust that only their car was clamped.

In normal circumstances one would expect that all the non-compliant cars would be clamped but the clamping vans can run out of clamps or be called away to release a clamp and one car can be 'unlucky'. Another aspect of this is that some motorists may not be aware of the Parking Tag service and wonder why a car parked without a P&D ticket was not clamped when in fact the car had registered and paid for parking. This does not take from the fact that the clamped car was illegally parked and the clamp was valid.

Appeals such as these were unsuccessful at both Stage 1 and Stage 2. It is the responsibility of each motorist to ensure that their car is legally parked.

Parking on Pathways in Narrow Residential Streets

Residents and their visitors in narrow residential streets can face a difficult choice – park on the pathway and risk clamping or park in the street and risk clamping and towing if they obstruct or interfere with other traffic including emergency vehicles. If the PEC vans are called to an area such as this, they are obliged to enforce the regulations and clamp offending vehicles.

Appeals from such areas generally get sympathetic hearings at Stage 2 provided the car is not obstructing pedestrians or access to houses.

Obstructing Other Traffic

Several appeals were received during the year from motorists clamped for allegedly causing an obstruction to other traffic. The test applied in these cases was to check the photographs taken on the day. Where cars were clearly causing problems for other traffic these appeals were declined but otherwise they received a refund. These decisions are mostly made at Stage 1 but the same logic is applied at Stage 2.

Disabled Parking Bays

A small number of motorists appealed on the grounds that they parked in the disabled bay because they were physically disabled but did not have a disabled parking permit. These appeals were declined at both Stage 1 and Stage 2 as the rules for parking in disabled parking bays are very specific – a current valid disabled parking permit is required. In cases where a Blue Badge holder forgets to display their permit, gets clamped and appeals with a copy of a current permit, they normally receive sympathetic hearing provided there is not a history of similar offences.

Loading Bays

98 Stage 1 and 18 Stage 2 appeals for parking offences in a Loading Bay were received. Some of these appellants believed that as they were loading or unloading they were entitled to use the Loading Bay for their private car. These appeals received little sympathy whereas a small number who demonstrated that their car had broken down and that they had parking it in a loading bay got a positive decision.

Mixed use Loading Bays/Taxi Stands continue to be a source of appeals with motorists complaining about poor/inadequate signage. Each case is considered on its merits.

Grace Time

DCC operates an informal grace time to allow motorists to purchase a P&D ticket or register their car on the Parking Tag service. A car legitimately parked but

- (a) without a ticket/permit displayed or Parking Tag registration or
- (b) with an expired ticket or registration

is allowed 10 minutes to rectify the situation before it will be clamped. 110 Stage 1 and 25 Stage 2 appeals were decided.

3. Recommendations and Conclusions

It is vital to put any consideration of the points raised in this report into an overall perspective:

- at 54,069 the number of vehicles sanctioned is tiny compared to the more than 24 million on-street parking events in the city each year.
- at 2,984 the overall number of Stage 1 appeals received was only 5.5% of total enforcement events recorded during 2015

To the extent that the appeals process provides an insight into the operation of the parking enforcement service the information gleaned may be useful in highlighting areas where performance standards can be improved. The following recommendations are offered to the City Council and to DSPS:

City Council:

The largest block of enforcement events and appeals relates to failure to display a ticket or a permit. I commend DCC for their initiative in expanding the Parking Tag service and similar virtual parking options. DCC should take every opportunity to raise awareness of the service with the motoring public.

There has been significant improvement in the signage and road markings but this continues to be a source of confusion for some motorists and consequently a source of parking appeals. Ely Place has two different regimes operating on opposite sides of the street and the number of appeals arising is out of all proportion to the small number of parking spaces involved. This arises due to an anomaly in the laws and can only be rectified by a change in the legislation. Similarly the number of appeals relating to clearways and bus lanes indicates an opportunity for improved signage.

DSPS:

Several complaints focused on the perception that the service was not being consistently applied, with one car in several appearing to be selected for sanction while adjacent cars similarly parked were not sanctioned. Every effort must be made to ensure that there is consistent delivery of the service.

All complaints received and/or referred to DSPS should be investigated and a comprehensive response addressing all issues raised in the complaint issued to the complainant. There is scope for improvement in this area.

The appeals system does not monitor the number of complimentary comments received but it is clear that the benefits of the service are recognised and appreciated by a significant number of motorists even when they have been sanctioned for a breach of the regulations. Letters regularly compliment the enforcement staff for being helpful and considerate.

Overall the performance of the parking enforcement and parking appeals system has been excellent and the staff of both DSPS and the Environment and Transportation Department of Dublin City Council deserve considerable credit and a vote of thanks for doing a job which benefits the city greatly but which few 'customers' recognise or appreciate.



Parking Appeals Officer
Date:

Appendices

Appendix 1

Annual Parking Enforcement Statistics

1.1 Numbers of Parking Enforcement Events 2012 to 2015

Year	2012	2013	2014	2015
Vehicles Clamped	49,942	52,423	51,781	50,395
Vehicles Relocated & Clamped	3,223	3,350	3,716	3,180
Vehicles Removed & Clamped	360	512	503	494
Total Enforcement Events	53,525	56,285	56,000	54,069

1.2 Parking Enforcement Events by Month 2015

2015	Total Actions	<i>inclusive of the following relocations</i>	<i>inclusive of the following removals</i>	<i>inclusive of the following warnings</i>
Jan	5,039	293	45	66
Feb	4,826	287	47	61
Mar	4,651	297	50	49
Apr	4,700	290	38	60
May	4,748	263	36	57
Jun	4,299	287	42	85
Jul	4,425	268	49	59
Aug	4,213	272	28	69
Sep	4,734	336	27	40
Oct	4,741	203	56	35
Nov	4,826	253	42	53
Dec	2,867	131	34	12
Totals	54,069	3,180	494	646

Appendix 2

2.1 Number of Stage 1 and Stage 2 Appeals Received by Year 2011-2015

Year	2011	2012	2013	2014	2015
Stage 1 Appeals Received	2,865	2,780	2,896	3,006	2,984
Stage 2 Appeals Received	621	627	624	589	492
Stage 2 Appeals as % of Stage 1	22%	23%	22%	20%	16%

2.2 Stage 1 Appeals Received by Month 2015

Month	Number	%
January	264	8.8%
February	230	7.7%
March	318	10.6%
April	241	8.0%
May	252	8.4%
June	220	7.3%
July	269	8.9%
August	238	7.9%
September	249	8.3%
October	182	6.1%
November	264	8.8%
December	279	9.3%
Totals	3,006	100.0%
Average	251	

2.3 Stage 1 Decisions 2015

Decision	Totals	%
Up-Held	721	24%
Declined	2,273	76%
Total	2,994	100%

2.4 Stage 1 Appeals – Grounds for Refunds 2015

Grounds of Appeal	100% Refund	No Refund	Totals	%
Signage & Road Markings	103	501	604	20.2%
Parking Tag - General	323*	225	548	18.3%
Permit/Ticket Not Visible	15	419	434	14.5%
Valid Resident/Visitor Permit	65	195	260	8.7%
P&D Machine Out of Service	13	155	168	5.6%
Alleged Error by PEC	36	96	132	4.4%
Permit/Ticket Expired	6	109	115	3.8%
Compassionate Case	23	89	112	3.7%
Grace Period	5	105	110	3.7%
Valid Disabled Badge	20	83	103	3.4%
Medical/Personal Emergency	51	46	97	3.2%
Foreign Tourist	22*	61	83	2.8%
Only a Technical Offence	3	51	54	1.8%
Delayed at Work/Court/Getting change	0	33	33	1.1%
Vehicle Broken Down	12	13	25	0.8%
DCC Error Issuing Resident Permit	8	2	10	0.3%
Garda On Duty	3	3	6	0.2%
Miscellaneous/Other	13	87	100	3.3%
Totals	721	2,273	2,994	100%

*Small numbers of Parking Tag and Foreign Tourist appeals received 50% refunds at Stage 1. The system does not currently capture this information and this issue is being reviewed.

2.5 Stage 1 Appeals by Offence 2015 – Top Ten

Rank	Offence	Cases	%
1	P&D/Permit Area w/o Valid Permit	2,080	69%
2	Parking on Clearway	191	6%
3	Parking at an Appointed Stand (Taxi Stand)	103	3%
4	Parking Private Vehicle in a Loading Bay	98	3%
5	Parking On a Footway	78	3%
6	Parking Within 5m of Road Junction	75	3%
7	Parking at a Double Yellow Line	72	2%
8	Parking at a Continuous White Line	64	2%
9	Parking at a No Parking Except Buses/Coaches Sign	29	1%
10	Parking in a Bus Lane - During Period of Operation	29	1%
	Other	175	6%
	Totals	2,994	100%

2.6 Time to Decide Stage 1 Appeals 2015

Days	Cases	%	Cum %
0 to 7	584	20%	20%
7 to 14	1,194	40%	59%
14 to 21	734	25%	84%
21 to 28	293	10%	94%
28 to 56	162	5%	99%
56+	27	1%	100%
Totals	2,994	100%	

The average time a case spent in the appeals process was 13.5 days – less than 2 weeks.

Appendix 3

3.1 Number of Stage 2 Appeals Received by Month 2015

Month	Number	%
January	53	11%
February	54	11%
March	45	9%
April	30	6%
May	30	6%
June	38	8%
July	56	11%
August	34	7%
September	28	6%
October	28	6%
November	42	9%
December	54	11%
Totals	492	100%
Average	41	

3.2 Stage 2 Appeals Decided by Month in 2015

Month	Number	%
January	70	13%
February	75	14%
March	50	9%
April	28	5%
May	7	1%
June	41	8%
July	60	11%
August	36	7%
September	23	4%
October	26	5%
November	52	10%
December	59	11%
Totals	527	100%
Average	44	

3.3 Stage 2 Length of Time in the Appeals Process in 2015

Days	Cases	%	Cum %
0 to 7	123	23%	23%
7 to 14	159	30%	54%
14 to 21	107	20%	74%
21 to 28	39	7%	81%
28 to 56	76	14%	96%
56+	23	4%	100%
Totals	527	100%	

3.4 Stage 2 Appeals Decided Classified by Parking Offence 2015 – Top Ten

Rank	Offence	Cases	%
1	P&D/Permit Area w/o Valid Permit, P&D or PT	353	67%
2	Parking on Clearway	37	7%
3	Parking at an Appointed Stand (Taxi Stand)	22	4%
4	Parking Private Vehicle in a Loading Bay	18	3%
5	Parking On a Footway	15	3%
6	Parking Within 5m of Road Junction	14	3%
7	Parking at a Continuous White Line	11	2%
8	Parking - Disabled Parking Bay w/o Disabled Permit	8	2%
9	Obstructing other Traffic	6	1%
10	Parking at No parking Except Buses/Coaches Sign	6	1%
	Others	37	7%
	Totals	527	100%

3.5 Stage 2 Grounds of Appeal as Stated by the Appellant 2015 – Top Ten

Rank	Grounds of Appeal	Cases	%
1	Permit/Ticket Not Visible	134	25%
2	Signage & Road Markings	101	19%
3	Valid Resident/Visitor Permit	48	9%
4	Alleged Error by PEC	40	8%
5	P&D Machine Out of Order	35	7%
6	Parking Tag - General	35	7%
7	Valid Disabled Badge	28	5%
8	Grace Period	25	5%
9	Compassionate Case	23	4%
10	Only a Technical Offence	15	3%
	Other	43	8%
	Totals	527	100%

3.6 Stage 2 Appeals Decided Classified by Outcome – 2015

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Dublin City Council

Decision	100% Refund	100% Refund With Caution	50% Refund	No Refund	Totals
Cases	119	72	149	187	527
%	23%	14%	28%	35%	100%
%	23%	42%		35%	100%

3.7 Stage 2 Appeals - Decisions Classified by Grounds of Appeal 2015

Grounds of Appeal	100% Refund	100% Refund With Caution	50% Refund	No Refund	Totals	%
Permit/Ticket Not Visible	6	5	120	3	134	25%
Signage & Road Markings	35	15	3	48	101	19%
Valid Resident/Visitor Permit	6	21	9	12	48	9%
Alleged Error by PEC	23	1	1	15	40	8%
P&D Machine Out of Order	13	6	4	12	35	7%
Parking Tag - General	2	0	3	30	35	7%
Valid Disabled Badge	7	4	8	9	28	5%
Grace Period	5	2	0	18	25	5%
Compassionate Case	8	6	1	8	23	4%
Only a Technical Offence	2	2	0	11	15	3%
Delayed at Work/Court/Getting Change	0	1	0	6	7	1%
Foreign Tourist	5	0	0	1	6	1%
Medical/Personal Emergency	2	2	0	2	6	1%
Permit/Ticket Expired	0	1	0	4	5	1%
Vehicle Broken Down	3	1	0	1	5	1%
Garda On Duty	1	0	0	0	1	0%
DCC Error Issuing Resident Permit	0	0	0	1	1	0%
Miscellaneous/Other	1	5	0	6	12	2%
Totals	119	72	149	187	527	100%
%	23%	14%	28%	35%	100%	

Figures highlighted are the highest for the category of appeal.

Appendix 4

The Functions of the Parking Appeals Officer

Principal Functions

The functions and responsibilities of the Parking Appeals Officer may be summarised as follows

- to consider, investigate and determine in an independent and equitable manner all Stage 2 appeals relating to parking enforcement by the parking enforcement contractor and to provide written reports on each decision
- to oversee and report on the performance of the Stage 1 appeals process
- to develop and implement procedures to ensure consistency of decision making in the appeals process
- to investigate complaints against parking enforcement contractor staff made as part of the appeals process
- to regularly report to the Director of Traffic at Dublin City Council on the performance of the parking appeals system and, where appropriate, to make recommendations for changes and improvements.

Determination of Stage 2 Appeals

The Parking Appeals Officer is required to review all parking related appeals referred to him for adjudication. He must explore fully all relevant information provided by both the appellant and the parking enforcement contractor. Where necessary he may review signage/markings at locations, interview parking enforcement contractor staff and/or the appellant. He may consider any relevant evidence including where appropriate witness statements, documents, receipts, maps, plans, photographs or videos.

He is required to prepare a short report giving clear and concise reasons for his decision and to explain any misunderstandings of the parking regulations by either the parking enforcement contractor or the appellant. He must ensure that the report fully addresses all issues raised by the appellant and gives an explanation of the legal issues in plain language. The full written response of the Parking Appeals Officer in respect of each case is forwarded to the appellant.

Oversee the Stage 1 Appeals Process

The Parking Appeals Officer is required to oversee and report on the operation of the Stage 1 appeals process by the parking enforcement contractor. Where necessary the Parking Appeals Officer may recommend changes to procedures and/or systems.

Consistency of Interpretation

The Parking Appeals Officer is responsible for ensuring that a consistent approach is applied throughout the appeals process. While the Parking Appeals Officer has complete discretion with regard to the determination of Stage 2 appeals he is responsible for ensuring that the Parking Appeals Service develops consistency of interpretation in similar cases.

Investigation of Complaints

Complaints relating to the performance/behaviour of parking enforcement contractor employees may be referred to the Parking Appeals Officer for investigation. In the event an appeal includes a complaint against a parking enforcement contractor employee the Parking Appeals Officer is empowered to investigate such complaints. His reports are sent to the Director of Traffic, the parking enforcement contractor and the complainant.

Reports

The Parking Appeals Officer is required to prepare an annual report for the City Council on the operation of the parking appeals system. The report must detail how the system has operated during the period including

- the number of appeals received
- the number of complaints received
- the percentage of successful appeals
- the average processing time for appeals

The report should highlight any regular or recurring sources of appeal/complaint and indicate short-comings in the service as identified through the appeals process.

Appendix 5

The Parking Appeals Procedure

General Approach

Dublin City Council operates a two-stage appeals process for persons whose vehicles are clamped, re-located or towed by the on-street parking enforcement service.

The procedure for lodgement of an appeal is set out on the Dublin City Council web site www.dublincity.ie, the DSPS website www.dspis.ie and in information leaflets available on request from the Council or from any Citizens Advice Bureau, public library or public office of the Council.

Only written appeals are considered and no oral hearings are undertaken. Appeals may be lodged by post or via the internet. Appellants calling over the telephone are advised that they must lodge their appeal in writing.

Stage 1 Appeals

Stage 1 appeals are submitted directly to the parking enforcement contractor. Each Stage 1 appeal received is acknowledged by letter. The contractor is required to examine each appeal and to issue a decision within 21 days of receipt of the appeal. If a decision is not reached in this period a holding letter must issue to the appellant advising that the appeal remains under investigation. If a decision is not arrived at within 58 days of the original date of receipt the parking enforcement contractor is obliged to issue a refund of the charge(s) paid.

Stage 2 Appeals

Stage 2 appeals are submitted in writing on a prescribed form to the independent Parking Appeals Officer. Each Stage 2 appeal received is acknowledged by letter.

Case Management of Parking Appeals at Dublin City Council

Management at the Parking Enforcement Section of Dublin City Council operates an excellent case management system for parking appeals. Details of appeals – Stage 1 and Stage 2 – are now accessible on one database system. All correspondence, photographs and decisions are accessible via the Dublin City Council intranet system. The system also facilitates tracking of complaints received as part of the appeals process.

The Parking Appeals Officer typically visits Dublin City Council offices every second week to consider new and outstanding cases. Each visit involves consideration of about 20/25 case files including reviews of

- new appeals received since the last appeals session
- 'on hold' files awaiting receipt of additional information and
- older cases submitted for re-consideration.

Each file is reviewed and considered on its merits. If additional information is required e.g confirmation that

- a sign had been erected or removed
- a particular P&D machine was out of service
- an appellant had applied for a residents permit
- clarification of a point of law

a file may be placed 'on hold' pending clarification of such points. The Parking Appeals Officer's decision is recorded on the file, in the database and is also communicated to the appellant in writing.

The Parking Appeals Officer's informal goal is to process all Stage 2 appeals within six weeks of receipt. However the time taken to process an appeal is not entirely within the control of the Parking Appeals Officer. Delays in arriving at a decision can arise due to

- requests for additional information by the Parking Appeals Officer
- deferral of decisions pending a site inspection by the Parking Appeals Officer personally or by a responsible person nominated by the Parking Appeals Officer
- requests by appellants for re-consideration of a denied appeal based on additional information.

The latter can lead to what appear to be protracted delays in the final determination of an appeal even though the case was handled expeditiously each time it arose in the office.

Decision Options

The Parking Appeals Officer has a number of options when it comes to decisions and has complete discretion in this area. The majority of decisions fall into one of the following categories

- Decline the appeal
- Decline the appeal but award a refund of the charges to take account of specific circumstances
- Uphold the appeal and refund the charges

In the latter two options the Parking Appeals Officer may also attach a note of caution while also recommending a full or partial refund as a gesture of goodwill.

The appeals process allows the Parking Appeals Officer to check for previous history of appeals and this can be taken into consideration in arriving at a decision. Occasionally appellants are requested to provide additional information or evidence to support specific claims – doctor, clinic or hospital letters, copies of Blue Badge or a letter from a garage.

Following assessment of the appeal, the Parking Appeals Officer enters his decision into the database and this is later transposed into a letter to the appellant.

In the event that an appeal includes a complaint this is also logged and referred for separate consideration.

Letters advising the appellants of the decision reached and

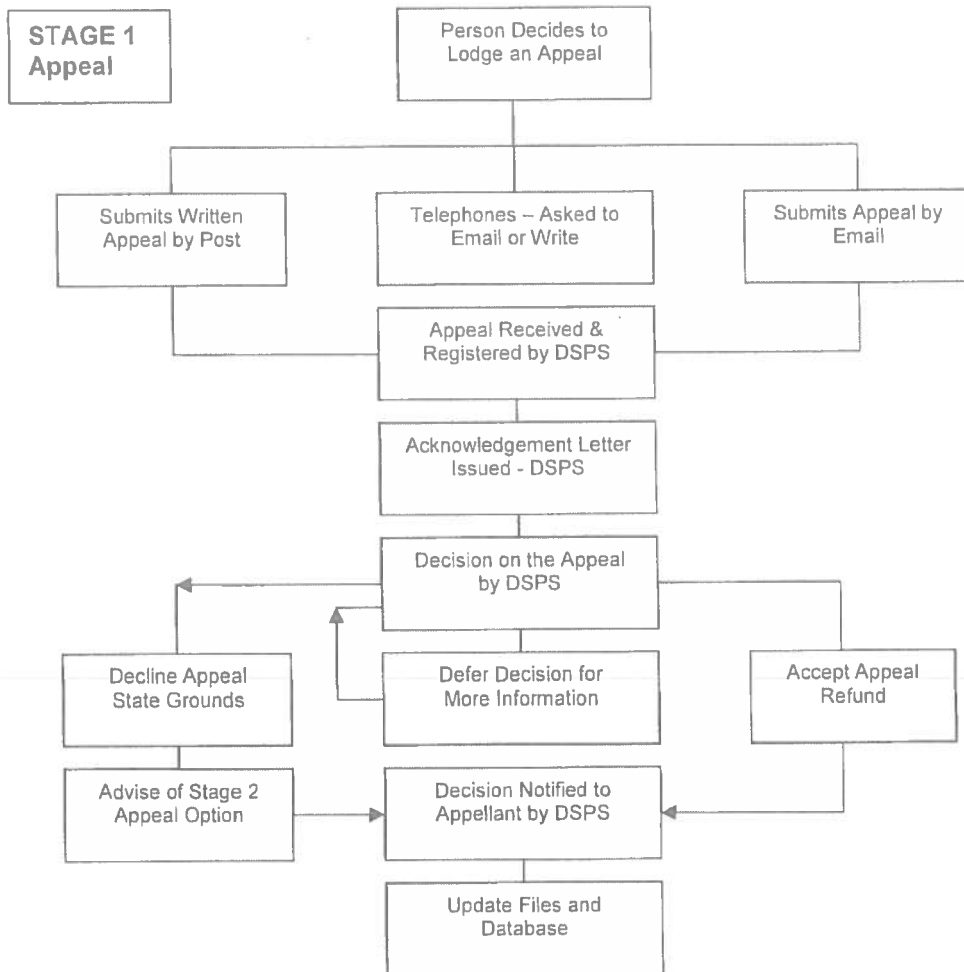
- setting out the basis for the decision where an appeal is declined or
- enclosing a cheque where a refund has been decided

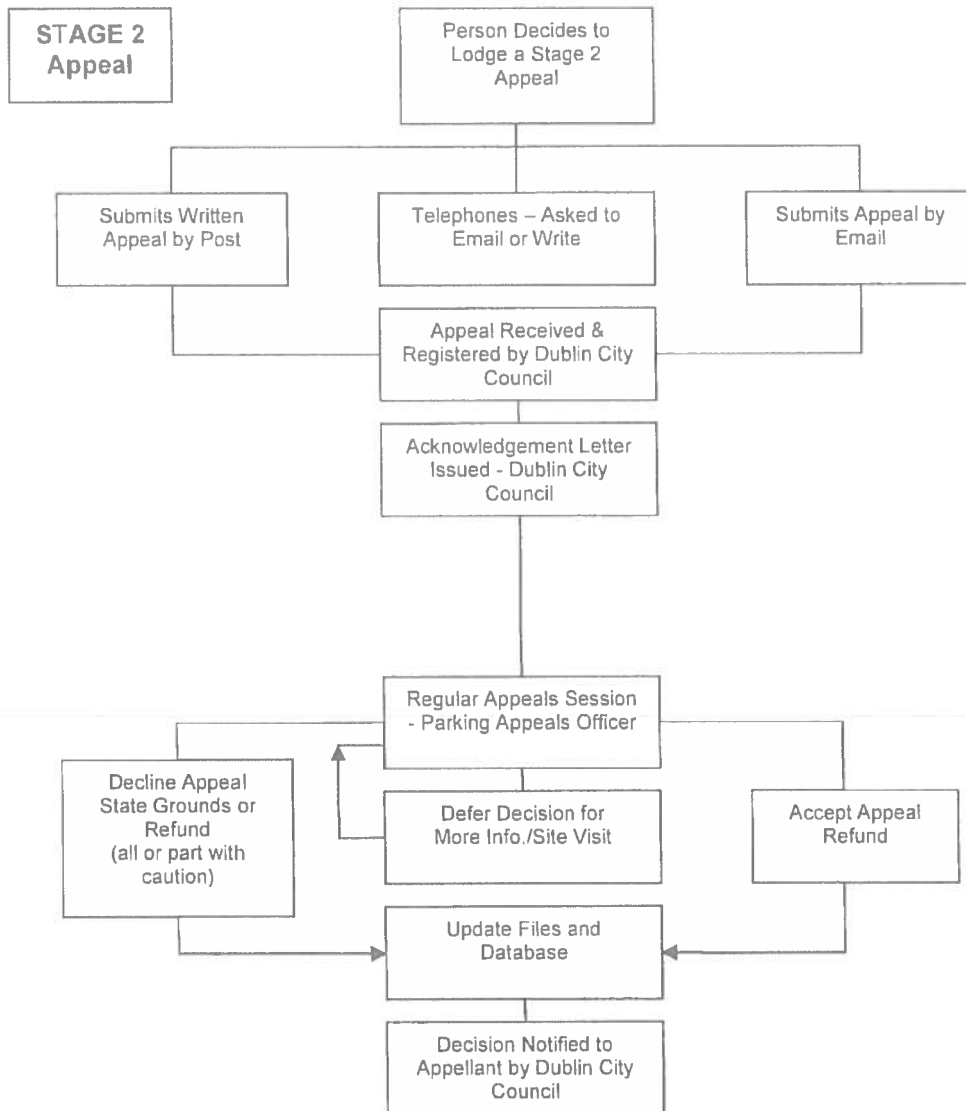
are issued by staff in Dublin City Council's Parking Enforcement Section.

Policy of Consistency

Consistency of decision making is monitored via the database and is considered in this report.

The decision process for both Stage 1 and Stage 2 appeals is set out in the following diagrams.





Consistency of Decision Making in the Stage 2 Appeals Process

To help establish and maintain consistency of decision making the Parking Appeals Officer has adopted a structured approach to Stage 2 case review as follows:

- identify the net issue(s) in each appeal
- develop and apply a set of standard decisions to standard net issues
- consider any special circumstances

This appeals system has been evolving since October 2004 and has been refined as different cases raise different aspects of similar issues.

List of Main “Net Issues” with Current Standard Decisions at Stage 2

No.	“Net Issues”	Standard Decisions and Logic
1	Permit fell off, was blown over and/or was illegible from the outside.	50% Refund Driver purchased a permit and placed it on the dash. The wind or the closure of the door caused the permit to be dislodged. The onus is on the motorist to both Pay & Display and therefore the motorist was careless in failing to ensure that the permit could be seen. S/he contributed to the reason for the clamp and should pay at least a portion of the charge.
2	P&D Machine Out of Order, Malfunctioning, Coin Box Full	Refund all or part or Decline Problems with P&D machines are not the fault of the motorist. Provided s/he has made an effort to locate an adjacent machine then the motorist will be refunded. If there are machines in working order close by then the appeal will be denied. Where records of machines being out of order are not easily accessible the motorist is given the benefit of the doubt.
3	Street Signs/Markings Poor	Decline or Full Refund Where signs or markings are confusing, hidden from view in trees, in poor condition or open to misinterpretation the motorist is given the benefit of the doubt.
4	Disabled Permits – expired, misplaced, not legible	Full or Partial Refund If the person is entitled to a disabled motorists permit and had forgotten to renew it or misplaced it or it has dropped off the dash a first appeal generally receives a sympathetic hearing. Repeat or persistent offending results in adverse decisions.
5	Residents Permits – applied for but not received	Full Refund If a person is entitled to a residents permit and has applied for one then s/he will get a sympathetic hearing for one appeal but otherwise will be expected to comply with the parking regulations like all other motorists.

6	Medical Grounds	<p>Full Refund or Decline</p> <p>Provided the appeal includes evidence to support the medical grounds set out e.g. unexpected arrival of new baby or unanticipated delays with treatment then these cases get a full refund.</p> <p>Where motorists park and display permits for short periods inconsistent with the likely delay in attending a clinic then the appeal will be denied.</p>
7	Disc Scratched Incorrectly	<p>50% Refund</p> <p>Where the motorist has displayed a disc and has scratched the wrong date or time he/she has attempted to comply and has made a careless error. The onus is on the motorist to comply with the rules and therefore the motorist was careless in failing to ensure that the disc was used correctly. S/he has contributed to the reason for the clamp and should pay at least a portion of the charge.</p>
8	Foreign Tourist	<p>Full Refund or 50%</p> <p>Except where the bona fide foreign tourist has parked in a dangerous or totally inappropriate area e.g. taxi rank or bus stop s/he is generally given the benefit of the doubt.</p>
9	"Only a technical breach" of the parking regulations etc	<p>Decline</p> <p>Where cars park on footpaths, in dead ends, close to corners or pedestrian crossings and motorists claim that they were causing no obstruction or inconvenience to others they get no sympathy. The same applies to motorists who say they and others have parked in this place for many years and never been clamped.</p>
10	Good Samaritan	<p>Refund</p> <p>Where a motorist can demonstrate that s/he was doing a 'good deed' for a stranger by providing exceptional assistance and while doing so was clamped s/he is recommended for a full refund.</p>
11	Long Delay in Declamping	<p>Refund</p> <p>If a motorist has been delayed for 2+ hours following payment of the charges s/he is entitled to a refund.</p>
12	Emergency	<p>Refund</p> <p>Car ran out of petrol, sudden attack of pain consistent with a medical condition etc. Provided the appeal is supported by evidence these motorists generally get a refund.</p>

13	Assumed Road Markings or signs were incorrect or no longer applicable	Decline The only safe and appropriate assumption to make is that the signs and markings mean what they say.
14	Mistakes by parking enforcement contractor	Refund If the evidence supports the case e.g. wrong street on the notice, wrong vehicle registration number then the motorist gets a refund.
15	Time – expired, incorrect, failed to read print on permit	Decline The motorist is required to check for him/herself and to remember the expiry time. Where a car has parked and the motorist has gone to get change and/or buy a permit and is clamped on his return a refund may be appropriate. A 10 minute grace period applies to these cases but there is no grace time on the grace time.
16	Garda said it was ok to park	Refund 100% or 50% If a letter from a Garda confirms that the motorist was advised that it was ok to park e.g. in a loading bay then the motorist may have acted in good faith even if ill advised then a full refund will issue. If an appeal unsupported by a letter from a Garda is deemed reasonable then a 50% refund will generally issue.
17	Urgent Business – Unavoidably Delayed	Decline No sympathy unless it is a true emergency with supporting evidence.
18	Garda on official business in a Garda vehicle	Refund Provided the appeal includes a letter on official Garda letterhead and signed by an officer of Superintendent rank or above a refund is made.
19	Car Was Stolen	Refund Provided there is evidence to support the claim the owner cannot reasonably be held responsible.
20	Grace Time	Decline/Refund DCC operates an informal 10 minute grace time to allow motorists to purchase a ticket or register their car on the Parking Tag service. This applies to cars with no ticket displayed or where the ticket displayed has expired. It does not apply to other offences e.g. parking in a disabled bay or Loading bay, on double yellow lines, in bus lanes or clearways. Where an appeal demonstrates that the 10 minutes was not allowed then a refund is made. There is no grace time on the grace time.
21	Parking Tag Issues	Decline/Refund 100% or 50% The approach to Parking Tag is similar to the approach

		adopted regarding P&D tickets. Motorists are expected to exercise reasonable care and attention in the use of the Parking Tag service including registering their vehicle accurately and correctly. Entering the wrong registration number or entering a single digit incorrectly may be accepted for a 50% refund the first time it happens but otherwise no refunds are considered.
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The analysis of decisions made compared to the grounds of appeal above shows that there is a high level of consistency within the parking appeals process.

