



CHIEF PARKING AND TRAFFIC ADJUDICATOR

In our March issue we advised that the Chief Parking and Traffic Adjudicator, Mr Martin Wood, had decided not to renew his appointment to the role.

London Councils has decided to appoint an interim successor for a period of six months at which point the position will be reviewed.

The interim Chief Parking and Traffic Adjudicator is Miss Caroline Hamilton and her appointment commenced on 7th June 2010.

PATAS COMMUNICATIONS STRATEGY

In the previous newsletter we provided some brief information regarding the PATAS Communications Strategy for 2010-11 and advised that we would provide further information.

The strategy has a number of components which can be summarised as follows:

PATAS web site

- Prime means of providing information to the general public;
- Contains information on the enforcement processes for all types of contravention pre and post Traffic Management Act 2004;
- Regulations governing the tribunals appear on the site;
- Daily lists of Parking & Traffic personal hearings published weekly in advance;
- Contains links to all Enforcement Authority (EA) parking web pages;
- On-line appeals available through site shortly;
- On-line statutory register available on site shortly.

Enforcement Authority (EA) Seminars

- Launch of regional seminars in 2010;
- Encourages improved communications;
- Full seminar for all London EAs would still be held but held at Southwark Street.

PATAS newsletters

- Published quarterly in March, June, September and December;

- Includes appeal statistics (received, allowed, not contested, refused, withdrawn etc) for all EAs individually in March and September issues. Feature statistics may be included in intervening issues;
- Details of any cases which have been made precedents by the Chief Adjudicators are included for information;
- System developments both operating and planned are included;
- Included are general items of interest to users of the tribunal.

Motorist user forum

- Plan to invite representative motorist organisations and groups to attend once per year;
- Organisations who have expressed an interest in becoming members include the AA, British Vehicle Rental & Leasing Association, CAB, Freight Transport Association, the Institute of Advanced Motoring; Mobilise and Transport for All;
- Intention is to present an even handed approach by PATAS to all users of the tribunals;
- The group will operate to strict terms of reference which will be agreed with the Chair of the London Councils Transport and Environment Committee, the Head of PATAS and the Chief Adjudicators.

Hearing lists

- Daily lists of personal hearings being heard the following week are placed on the PATAS web site on Thursday afternoons;
- Daily lists are placed on the notice board in the public waiting area at the hearing centre on a daily basis.

Parking & Traffic Adjudicators' Practice Manual for London EAs

- Published January 2009;
- A complete reference for that part of the enforcement process which involves the tribunal;
- Guide to submitting evidence to the Adjudicator;
- Includes description and a copy of each EA daily report;
- Includes copies of evidence forms and the circumstances when each should be used.

Key cases

- Cases appear on web site at direction of the Chief Adjudicators;
- Popular area for users of web site;
- In order to improve the accessibility to these cases, a summary is published in newsletter with an internet link to the full register entry.

Annual reports

- Published on the PATAS web site once statutory requirements have been met.

Analysing what we do

- PATAS receives in excess of 40,000 items of correspondence each month;
- Workflow information is now produced weekly to allow case management to identify areas of concern or delay;
- Intention is to widen this information to improve the service provided to users.

Media enquiries

- All media work for PATAS is undertaken by the London Councils press office;
- Media communications concerning Adjudicators are dealt with by London Councils press office after reference to the Chief Adjudicator, responding through the Judicial Communications Office.

Internal communications

- Internal newsletter launched April 2010.

PATAS REGIONAL SEMINAR FOR LONDON ENFORCEMENT AUTHORITIES

As mentioned above, a part of the PATAS Communications Strategy for 2010-11 is to convene regional seminars for the London Enforcement Authorities.

The first such seminar took place on Wednesday 19th May 2010 at the hearing centre at Angel Square.

Participating were representatives from London Boroughs of Brent, Enfield, Haringey, Hillingdon and Hounslow.

The Communications Strategy was explained in full and Garry Hoy (GH), PATAS Business Delivery and Project Manager outlined a number of service enhancements due to be introduced throughout the remainder of the year.

These included:

- **On-line statutory register:** The registers, which PATAS has maintained on behalf of the two tribunals in line with statutory requirements since their inceptions, will be made available to users to search via the PATAS web site. It is presently planned for this to be available by the end of July/early August. The criteria by which the register can be searched will be limited to those identified by the Chief Adjudicators for each tribunal and would not necessarily be the same for both.
- **On-line appeals:** a system for submitting appeals via the PATAS web site is presently being developed along with London Borough of Camden. If development proceeds to plan, there will follow a pilot.

It was planned to introduce this enhancement by the end of the Summer.

- **Electronic Data Interface (EDI):** this was presently being developed with TfL and is hoped to go 'live' by mid July. TfL have been using EDI successfully in Road User Charging appeals since 2003.
- **Remote adjudication:** it is planned to provide remote adjudication using web cams installed in the hearing rooms at Angel Square. This would allow adjudicators to consider matters without either the appellant or Enforcement Authority needing to be present.
- **Persistent Evaders:** GH explained that the *London Local Authorities and Transport for London Act 2008* provided powers for authorities to remove vehicles for which the owner of that vehicle had three or more outstanding unpaid Penalty Charges issued by any London borough. Payment of all outstanding charges, or of a bond, would be required before the vehicle could be released.

Statistics

In order to allow us to publish a greater range of statistical information on the activities of the tribunals, PATAS is now including appeal statistics every six months.

You can find the figures for July-December 2009 in our edition published in March and the figures for January-June 2010 will appear in our September issue.

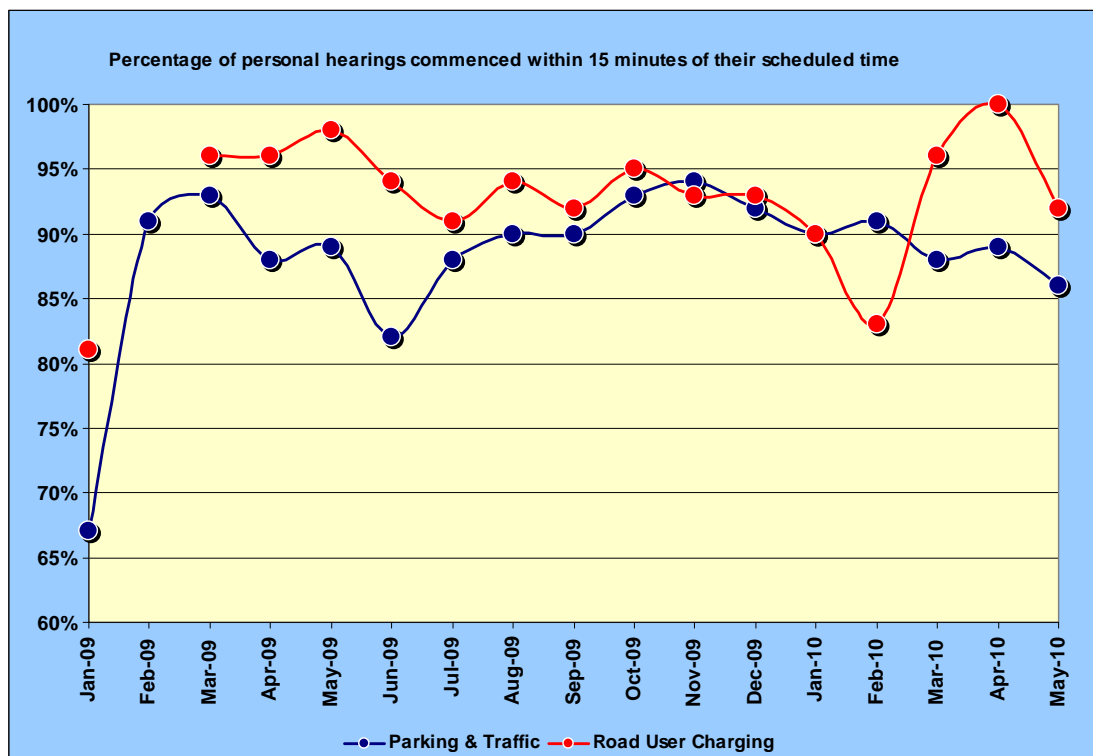
In the intervening issues of the newsletter, we will be publishing statistics on a number of varying areas.

One of the key concerns for PATAS is the length of time appellants have to wait in the reception area of our hearing centre before their personal appeal commences.

We would like all personal hearings to begin at the time they are scheduled to do so and in most cases they do. Unfortunately, delays do occur and these can often be due to circumstances outside of our control.

Our aim is that 80% of all personal hearings should begin within 15 minutes of their scheduled hearing time.

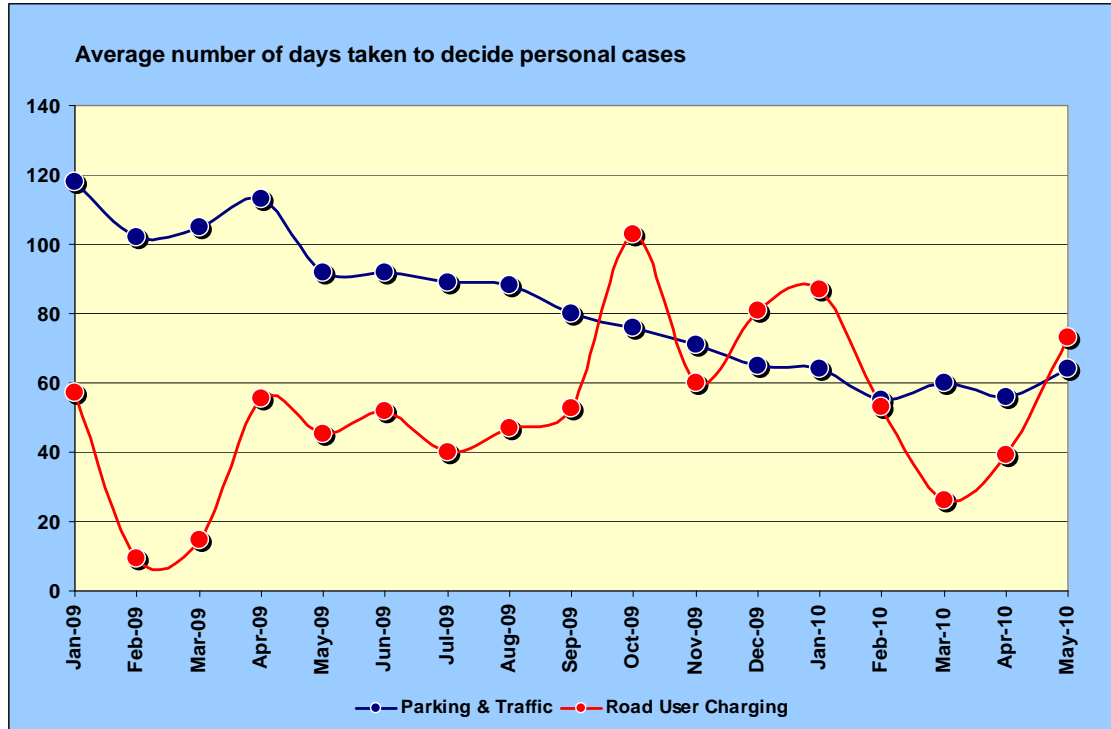
The chart below shows that we are achieving this.



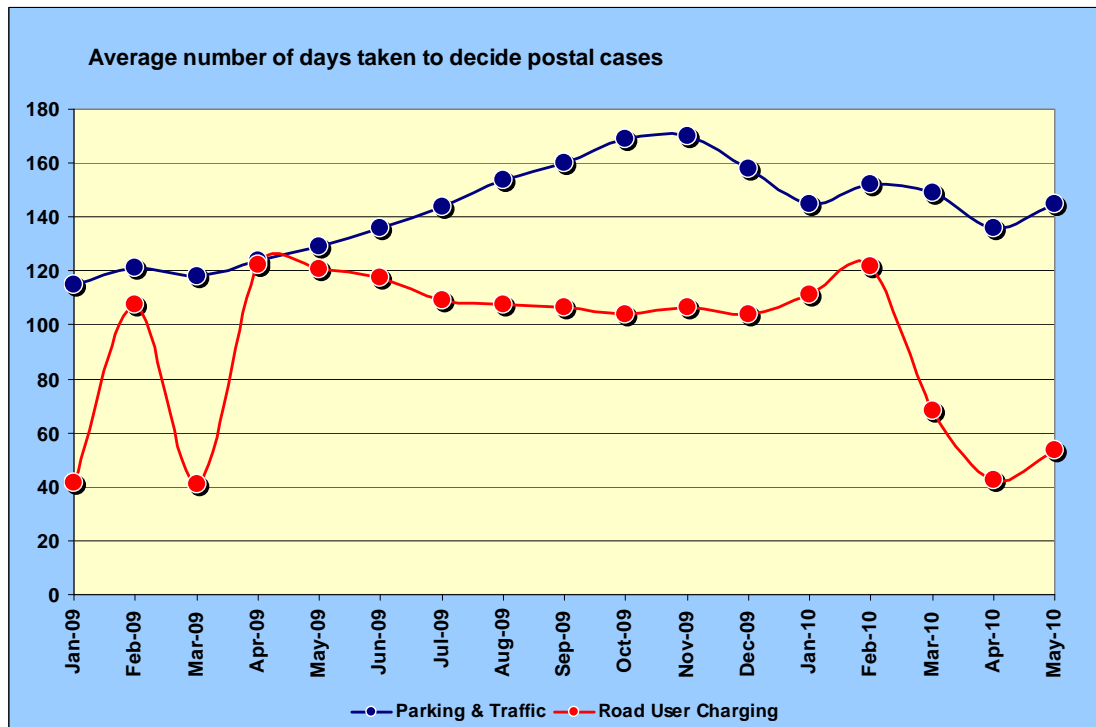
NB – there is no figure for Road user charging for February 2009 as there were no personal hearings for this tribunal during our move to Angel Square.

We also maintain information on how many days it takes for personal and postal cases to be decided from the time they are listed.

The chart for personal cases shows that the figure for Parking & Traffic has consistently declined over the period so that it now stands at around half the time in May 2010 as it was in January 2009. The position is more volatile for Road User Charging cases.



The chart for postal cases below shows a steady rise in Parking & Traffic throughout 2009 but has reduced from December 2009, climbing slightly again in May 2010. Again the figure for Road User Charging cases has been less certain showing a sharp fall between February and April 2010 before increasing in May 2010.



Key cases

Detailed below are those cases which have been added to the 'key cases' area of our web site since the last newsletter was issued and which the Chief Parking & Traffic Adjudicator believes would be of public interest.

Each case is summarised and these summaries include a link to a reformatted copy of the statutory register entry on the PATAS web site. If you are viewing this newsletter on a PC, you can click on the link provided and this will open the full register entry.

If you are viewing a printed copy of this newsletter, visit the PATAS web site at www.patas.gov.uk and access the key cases page from the left hand panel in the Parking and Traffic Adjudicators area of the site and use any of the available search criteria.

Campbell v London Borough of Camden

Case number: 2090523567

Penalty Charge Notice: CU18609015

Key case search criteria: Suspension of controls; Signage; Requirement for compliant sign

The appellant parked in a suspended bay in order to unload some goods.

The appellant contended that the signage of the suspension did not comply with the *Traffic Signs Regulations and General Directions 2004* or the *Temporary Restrictions Procedure Regulations 1992*.

The Enforcement Authority argued that the signage was clear in its intent.

The Adjudicator found that, whilst the signage may have been clear, this did not make it correct.

The appeal was allowed.

To view the full register entry for this case, please click on the following link:

[Campbell v London Borough of Camden](#)

Alternatively, visit the key cases area of the PATAS web site at www.patas.gov.uk ([key cases](#)) and search using any of the criteria shown above.

Key cases (continued)

R (Oxfordshire CC) v The Bus Lane Adjudicator 2010

Key case search criteria: Bus lane; definition. Signage; adequacy, requirement to show practical, not juridical, basis of prohibition; relevance of Departmental Guidance

This was not a case originally before a PATAS Adjudicator but is nevertheless of interest.

The case concerned bus lanes, bus gates, traffic signs and whether a valid prohibition in Oxford High Street could be enforced by civil proceedings or only by criminal ones.

A Traffic Penalty Tribunal Adjudicator had ruled that the designated part of the street was not a bus lane under the relevant Traffic Regulation Order nor was there sufficient signage to convey to drivers "the supposed bus gate" as required by the *Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996*. Both of these decisions had been upheld by the Chief Adjudicator following an application for review by the authority.

The Council applied for Judicial Review and the decision was set aside.

The judgment of the High Court can be viewed by clicking on the following link:

[R \(Oxfordshire CC\) v The Bus Lane Adjudicator 2010](#)

Alternatively, visit the key cases area of the PATAS web site at www.patas.gov.uk ([key cases](#)) and search using any of the criteria shown above.

Herron (1st Claimant); Parking Appeals Ltd (2nd Claimant) v The Parking Adjudicator

Key case search criteria: Controlled Parking Zone; Independence of the Adjudicator

This was a Judicial Review brought by the claimants in respect of Controlled Parking Zones (CPZ) within Sunderland city centre.

Again, this was not originally a case before a PATAS Adjudicator, although PATAS were named as an interested party.

There are two relevant judgments of the High Court. The first, handed down on 15 June 2009, also dealt with the issue of the independence of the Adjudicator (paragraphs 8-13). This issue was struck out in that judgment leaving the second, handed down on 25 May 2010, to concern the CPZ issue only.

Copies of both judgments can be viewed by clicking on the appropriate link:

[Herron and Parking Appeals Limited – v- The Parking Adjudicator \(June 2009\)](#)

[Herron and Parking Appeals Limited –v- The Parking Adjudicator \(May 2010\)](#)

Alternatively, visit the key cases area of the PATAS web site at www.patas.gov.uk ([key cases](#)) and search using any of the criteria shown above.