
Newsletter

Autumn 2018

PATROL



Traffic Penalty Tribunal England and Wales

PATROL



**Traffic Penalty
Tribunal** England and
Wales

The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises over 300 local authorities in England (outside London) and Wales.

PATROL fulfils a statutory duty to make provision for independent adjudication. This is undertaken through the Traffic Penalty Tribunal.

The Traffic Penalty Tribunal adjudicators, whose appointments are subject to the consent of the Lord Chancellor, decide appeals against penalties issued by local authorities in England (outside London) and Wales, which undertake civil enforcement of parking, bus-lane and (in Wales), moving traffic contraventions.

The Traffic Penalty Tribunal also decides appeals arising from road-user charging enforcement at the Dartford-Thurrock River and Mersey Gateway Bridge Crossings. In the case of the former, the Charging Authority is the Secretary of State for Transport; and for the latter, it is Halton Borough Council. Road-user charging enforcement is also undertaken by Durham County Council.

Finally, the Traffic Penalty Tribunal decides appeals in respect of penalties issued for littering from vehicles in England (outside London).

PATROL undertakes initiatives to support its local authority members and raise awareness of the objectives of civil enforcement, including:

- The promotion of local parking Annual Reports through the PATROL PARC (Parking Annual Reports by Councils) Awards.
 - The provision of civil enforcement information through the PATROL website.
 - Taking forward traffic management issues of mutual interest to its local authority members, while also taking into account the motorist's perspective, as seen through appeals to the Traffic Penalty Tribunal.
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> Councillor Jamie Macrae pictured with Huw Merriman MP at the PATROL PARC Awards in July

Foreword

Welcome to the PATROL Newsletter for Autumn 2018.

As the summer comes to an end, PATROL and its member authorities continue to assess the impact that new and evolving legislation is having across a number of areas of our work.

One such example is the *Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018*, which came into effect in England in April. There has been interest from local authorities outside London, from both parking and environmental departments, with appeals being handled through the Traffic Penalty Tribunal's Fast Online Appeals Management (FOAM) system. Whilst experience from similar legislation introduced in London in 2012 suggests that the volume of penalties issued will be low, we will be monitoring this area going forward.

Continuing the environmental theme, PATROL and the Traffic Penalty Tribunal are liaising with the Department for Environment, Food and Rural Affairs (Defra) around plans for the introduction of Clean Air Zones (CAZs) to combat roadside nitrogen dioxide emissions within towns and cities. Where local authorities introduce charging CAZs, appeals arising from road-user charging penalties will be decided by the adjudicators of the Traffic Penalty Tribunal. The Government initially proposed five authorities (Birmingham, Derby, Leeds, Nottingham and Southampton), who will finalise their plans by the end of the year, for implementation by the end of 2019. Other local authorities affected are anticipated to have plans in place for implementation by 2020.

Another topic still presenting a challenge to parking departments and their communities is that of pavement parking. PATROL welcomes the Government's continued commitment to gather evidence on pavement parking; the effectiveness, or not, of current regulatory frameworks, and potential alternatives. PATROL will be drawing on the experience of its member authorities to continue to contribute to this debate.

Finally, a spirited and enjoyable reception was held at the House of Commons on 10 July for our annual PATROL PARC (Parking Annual Reports by Councils) Awards, which shone a light on the commitment of our member authorities to inform and engage with their local communities.

Congratulations to Devon County Council for taking home the award for Best Overall Report, as well as the other authorities Highly Commended and shortlisted. We are grateful to Huw Merriman, MP for Bexhill and Battle, and member of the Transport Select Committee, for hosting the event, and to writer and broadcaster Gyles Brandreth, who gave a both poignant and animated talk, as well as presenting the awards.

The PARC Awards highlight the steps that authorities are taking to communicate – through Annual Reports – their local strategies, policies and parking services, together with improvements brought about through public engagement and feedback.

PATROL is particularly grateful to Knowsley Borough Council here for their offer to undertake exploratory work on the production of a digital and interactive parking Annual Report, and we look forward to seeing the result of these endeavours over the coming months.

A handwritten signature in black ink that reads 'Jamie Macrae'.

Councillor Jamie Macrae

Chairman
The Joint Committee of England and Wales
for the Civil Enforcement of Parking and Traffic Regulations Outside London (PATROL)



Councillor Stuart Hughes and Christopher Rook from Devon County Council collect the Best Overall Report award

PARC Awards 2018: Devon County Council receives Best Overall Report Award at House of Commons reception

The annual PATROL PARC (Parking Annual Reports by Councils) Awards took place on Tuesday 10 July at the Houses of Parliament. An overview video of the Awards can be accessed [here](#).

Devon County Council received the award for Best Overall Report during an event that shone a light on the work being done by our local authority members across England and Wales to inform and engage on civil enforcement in their localities.

Councillor Stuart Hughes, Devon County Council Cabinet Member for Highway Management, and Christopher Rook, Traffic Management Team Manager, received the award on behalf of the council.

An introduction to the PARC Awards ceremony was provided by Huw Merriman, MP for Bexhill and Battle, and member of the Transport Select Committee, who shared some valuable insight and encouragement to local authority attendees on the importance of their mission to improve the communication of parking and other civil enforcement activities within their municipalities.

This was followed by a spirited talk from broadcaster and author Gyles Brandreth, whose father, Charles, was chief legal advisor to the AA from the 1930s through to the 1970s and penned the landmark book, *Parking Law*, which became the world authority on the subject.

The PARC Awards recognise the local authorities that have articulated and communicated on parking services, appeals

and finances in their area in a compelling, well-structured way, through the production of an Annual Report. As part of PATROL's work to support its local authority members and raise awareness of the objectives of civil enforcement, the PARC Awards have also been designed to reward, share and promote best practice in local authority annual reporting, nationwide.

Councillor Jamie Macrae, Chair of the PATROL Joint Committee, said: *'Annual Reports increase the accessibility of parking information, bringing it together in one place. They provide an opportunity to communicate the whole landscape of parking, from objectives which support the local community and economy, to policies and services, as well as the impact of parking education and enforcement on compliance.'*



Traffic Penalty Tribunal Chief Adjudicator, Caroline Sheppard OBE, reads from *Parking Law*, written by the father of Gyles Brandreth



The shortlisted authorities take to the stage

The Best Overall Report award is judged on the effectiveness of presentation, and how engaging, informative and helpful it is to the local community.

PATROL commissioned an independent review group to assess reports. The group said of the **winning Devon County Council report**: *'The report is peppered with easy to understand statistics to demonstrate the impact of new initiatives... Penalty and finance statistics are well presented, with information on cost breakdowns and year-on-year comparisons, together with the management of the on-street account and use of surplus.'*

Councillor Stuart Hughes, Devon County Council Cabinet Member for Highway Management, said: *'Devon County Council is delighted to be recognised as overall winner. The annual reporting format provides an excellent opportunity to promote our service, allowing the public to understand how we operate, and seeing what is being achieved in managing our network.'*

'As a young service, each report has given opportunity to reflect on that year's development of our service. We feel that the strength of this year's report comes from reflecting the overall contribution to parking and traffic management in Devon from all the Traffic Management Team; Operations, Processing and Traffic Engineering.'

As well as the award for Best Overall Report, PATROL also recognises local authorities for best practice reporting in three distinct areas. This year, they were presented to:

- **Cumbria County Council**: Highly commended for Best Practice Reporting in Customer Service.
- **Derby City Council**: Highly commended for Best Practice Reporting in Innovation and New Services.
- **Brighton & Hove City Council**: Highly commended for Best Practice Reporting in the Presentation of Finance and Statistics.

Other local authorities shortlisted by the review group were: **Borough of Broxbourne**, **Durham City Council**, **Sunderland City Council** and **Worcester City Council**.

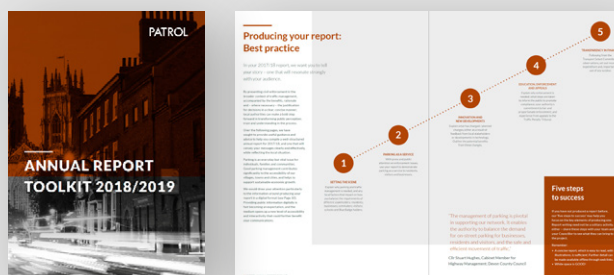
Moving forward for future years, PATROL will also be giving an award for Outstanding Digital Format, in order to recognise those local authorities that utilise a digital format to improve the accessibility and availability of parking information.

We encourage all local authorities to publish their Annual Reports on the PATROL website Local Authority Directory, [here](#).

Simply log-in to edit your page – if you haven't already got a log-on, please contact: info@patrol-uk.info.

Looking ahead to next year: Compiling and submitting your 2017/18 Annual Report

Civil parking enforcement involves managing limited parking resources on behalf of the community. Having an informative and well-designed parking Annual Report can simplify the process for local authorities to demonstrate their benefit and value to the community, and help to change public attitudes towards enforcement.



PATROL has produced an updated Annual Report Toolkit to help authorities compile their annual report for 2017/18. Access the toolkit on the PATROL website [here](#).

The 2018/19 PATROL Annual Report Toolkit also points to the five basic steps to providing local parking information:

- 1 **Setting the scene**: Why parking and traffic management is needed.
- 2 **Parking as a service**: To residents, visitors and businesses.
- 3 **Innovation and new developments**: Reflecting customer feedback or new technology.
- 4 **Education, enforcement and appeals**: Setting out a commitment to fair and proportionate enforcement.
- 5 **Transparency in finance**: Including how your authority uses any parking account surplus.

Annual reports should be submitted for the PARC Awards by Thursday 31 January 2019 to: info@patrol-uk.info.



> In March, we welcomed the High Sheriff of Cheshire, Sarah Callander Beckett DL, to Wilmslow, so that she could see for herself the work of our team

A message from the Chief Adjudicator

The office of High Sheriff stems from the Middle Ages, when the Sheriff of boroughs and counties was responsible for law, order and justice on behalf of the King or Queen.

They would greet High Court Judges (King's Bench or Queen's Bench) at the boundary of their area, dressed in official regalia, complete with white kid gloves, and accompany them to the Assizes (periodic county courts, administering civil or criminal justice from 1559 to 1971).

The High Sheriff role has lived on ceremoniously, insofar as each High Sheriff holds an annual service in their local cathedral, where all the local judges – and High Court Judges sitting at the time in courts within the Sheriff's area – process down the aisle of the cathedral.

Throughout their year of office, High Sheriffs continue to hold dinners for visiting High Court Judges and the local judiciary, including magistrates, and sit on the bench with the Judge for such cases as they wish, or are invited to by the Judge.

So we were delighted when Sarah Callander Beckett DL, the High Sheriff of Cheshire, on learning of the work (and success) of the Traffic Penalty Tribunal, decided that it should be within her remit to mark that TPT is based in her area by visiting our offices. She was particularly impressed and proud that she should have the first example of an online tribunal or court on her patch.

The visit was important and significant, because it recognises that TPT adjudicators are tribunal judges and the work of the Tribunal is every bit as important as other courts (at every level) and tribunals. Our adjudicators are appointed with the consent of the Lord Chancellor, through the same transparent appointment process as other judges, and while we regard informality as vital to ensure accessibility and fitting to deciding traffic penalties, we nonetheless embrace the wider principles that apply to all judicial proceedings.

Sarah saw some examples of our cases, and how our Fast Online Appeals Management (FOAM) system has transformed the experience for appellants and authorities alike. In keeping with her other duties, Sarah went on from visiting us to Chester Crown Court, where she sat with the High Court Judge passing sentence in a celebrated local murder trial!

And it's not just in England and Cheshire that we are appreciated! The positive impact of FOAM, and how it really works for all parties in parking and traffic appeals, has been recognised by our fellow adjudicators in Scotland, who operate under the same regulations (and are appointed with the consent of the Lord Advocate). They are now using FOAM for their appeals.

We have always had an enthusiastic and positive 'kinship' with the Scottish adjudicators and regularly ask them to join our adjudicators at our conferences, so it will cement our close work in the future that both jurisdictions are using the FOAM system. The Scottish authorities are also impressed that the system has launched on time and as promised, with the whole scheme north of the border appearing to benefit from our initiative and development.

The success of the Scottish project is largely due to Iain Worrall, PATROL and Traffic Penalty Tribunal Stakeholder Engagement Manager, running his workshops to introduce FOAM for the Scottish authorities. It is he, working with the Scottish administrators, who have ensured that the project was delivered in record time and without a hitch.

The adjudicators are pleased to learn that Iain's current round of popular workshops for our authorities is introducing a new style 'Notice of Rejection' (NOR), which provides the essential information about why representations have been rejected and how to appeal, through a much clearer layout.

Among the key recommendations of the University of Birmingham's 2016 research, *To Appeal or Not To Appeal?* – which covered the motorist's awareness and experience of the Traffic Penalty Tribunal – was to '...agree a standard NOR letter design and format, which: suitably and clearly conveys the legal requirements in plain language, and presents in a simple format the right to appeal to the Tribunal on the first page, and with equal prominence to the payment instructions.'

Professor John Raine and his researchers had found that a large number of potential appellants had neither realised they had a right to appeal, nor had appreciated that the Traffic Penalty Tribunal is independent of the authorities, and that our adjudicators are lawyers. They therefore had no confidence in appealing.

The new style of NOR makes the authorities' reasons for rejecting the representations clearer, so the recipient can be in no doubt about the issues that are relevant; and it is flagged on the first page that there is a right to appeal if the recipient doesn't agree.

We will carefully monitor the impact of the new style NOR and report to the PATROL committee in due course.

Caroline Sheppard OBE

Chief Adjudicator
Traffic Penalty Tribunal



Standardised 'Notice of Rejection' (NOR) makes clear the right to appeal to the independent adjudicator

Responding to the University of Birmingham's research recommending the implementation of a standard NOR letter design and format, the Traffic Penalty Tribunal has produced a new standardised template.

The standardised NOR now features information on appealing to the Tribunal within a prominent side panel on the first page, together with the standard information on appealing later in the letter, now formatted more clearly and concisely.

The new standardised NOR template is currently being made ready for use by respondent authorities.



Scottish appellants enjoy the benefits of FOAM

An innovative combined initiative involving the Parking and Bus Lanes Tribunal for Scotland (PBLTS), the Driver and Vehicle Standards Agency (DVSA), the Traffic Penalty Tribunal and consumer technology supplier, Resolver, has taken the Tribunal's award-winning Fast Online Appeals Management (FOAM) system north of the border.

18 local authorities undertaking civil enforcement in Scotland, with a further two to follow, have taken on FOAM and are currently using the system, following regional training workshops in Glasgow, Edinburgh and Aberdeen in the Spring, conducted by Iain Worrall, Stakeholder Engagement Manager at the Traffic Penalty Tribunal.

Recent feedback from FOAM users in Scotland includes:

'I have been most impressed with your speed of response and efficiency in handling this case' from an appellant, and:

'The efficiency provided by FOAM has enabled our team to process appeals in the same time it takes to review a Formal Representation – approximately 20-minutes per case' from a local authority. Other authorities commented specifically on the seamless rollout of the system.

There are some minor regulatory variations that needed to be considered between the Scottish and England/Wales versions of FOAM, so Resolver, which has developed FOAM with the Tribunal, has worked to incorporate these.

Commenting on the rollout, John O'Bryan, project lead at the DVSA said: *'By using the FOAM system, we will reduce the amount of time people spend appealing a parking or bus-lane ticket and make the PBLTS appeals process simpler and faster for all involved.'*

The Traffic Penalty Tribunal has also shared its experiences with Scottish adjudicators and their support staff, both in using FOAM and the ways to provide Assisted Digital support. Workshops have been held in Wilmslow, with TPT staff also being on hand in Edinburgh at 'go-live' to support the Scottish administrative team.

Iain Worrall has also conducted a series of regional local authority workshops to support the rollout of FOAM and TPT's IT team have been providing technical support.

Scottish Adjudicator, Petra Hennig McFatridge, commented: *'We are really pleased to launch this new digital service for motorists who want to make an appeal. Online transactions are easy, quick and save on processing time...'*

James Walker, Resolver founder added: *'The Traffic Penalty Tribunal has led the way in recognising the benefits of a simple, intuitive system to make appealing a penalty accessible for everybody. We're thrilled that the innovative software we developed with the Tribunal is now helping the people of Scotland resolve a parking complaint with the support they need.'*

Spotlight on Littering from Vehicles Enforcement

The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 came into force in April. Although over fifty authorities have expressed an interest in these new powers, it is expected that appeal volumes will be low, as seen in London.

Enforcement authorities can set penalties within the ranges specified in the *Environmental Offences (Fixed Penalties) (England) Regulations 2017*. The amount of a penalty for littering from a vehicle will be the same as the amount specified by the authority for fixed penalty notices for leaving litter. The range from 1 April is £65 to £150, with a default penalty of £100 if no local level is set. Littering from a vehicle may now be a civil contravention, while dropping litter as a pedestrian remains a matter for the magistrates' courts.

Whilst some parking teams within local authorities will be responsible for this new area of enforcement, elsewhere this



will be led by environmental teams. Where this is the case, there are opportunities for sharing experience between the two departments, such as in notice-processing systems and the response to online appeals at the Traffic Penalty Tribunal.

Workshops have been held by PATROL in the North and South of England to discuss this new area of environmental appeals, and to ensure that authorities have arrangements in place for appellants to access independent adjudication.

JUSTICE publishes Digital Exclusion Report

Traffic Penalty Tribunal Chief Adjudicator Caroline Sheppard OBE is part of a JUSTICE Working Party. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system – administrative, civil and criminal – in the United Kingdom.

On 4 June, JUSTICE published the final report in a series from the Working Party, entitled, *Preventing Digital Exclusion from Online Justice*, featuring an introduction from Chair Amanda Finlay CBE and Lord Briggs of Westbourne, Justice of the Supreme Court of the United Kingdom.

The Working Party has been looking at various groups at high-risk of digital exclusion from modern justice services, including homeless people and detainees. The Working Party has also investigated how assistive technology and accessible design could play a part in minimising barriers facing those who do use digital services, but find the process challenging, such as the elderly.

Speaking at the report's launch, Lord Briggs said the report took a positive approach to changes such as the 'Online Court', while seeking to ensure that access to justice is available for everybody. He focused on several of the Working Party's recommendations,

including the importance of mobile technology; an independent 'look and feel' for online justice; the multi-channel approach; end-to-end piloting and robust academic research.

Lord Briggs praised the Working Party's report as the first to look at 'Assisted Digital' in detail and – typical of JUSTICE – its early publishing, able to inform all future stages of the reforms. He also welcomed the Working Party's approach of highlighting particular groups and giving their difficulties with digital appropriate, dedicated treatment, underpinned by the notion that the paper channel will never be assumed the default for the digitally excluded.

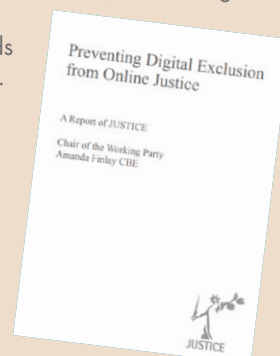
Caroline Sheppard commented: *'Organisations need to recognise that some people will not be able to access justice online. Adopting a digital approach does not mean that the human touch is lost or that we cannot be adaptable.'*

'This latest report from the JUSTICE Working Group features examples of digital exclusion and discusses how to minimise obstacles for the "computer challenged". Technology has huge potential to improve access to justice and it is exciting to be part of that

expedition, and able to offer insights from my experience; which is also that of the Traffic Penalty Tribunal.'

Preventing Digital Exclusion from Online Justice is the third of a series of reports issued by the JUSTICE Working Group. Previous titles to which Caroline Sheppard and the Traffic Penalty Tribunal have contributed include *Delivering Justice in an Age of Austerity* and *What is a Court?*

In the latter, the Traffic Penalty Tribunal was cited (for its Fast Online Appeals Management [FOAM] system) as a 'compelling example of the use of digital case management systems' and that 'In pursuing its objectives – Accessibility, Proportionality, Velocity and Finality – TPT has always been at the forefront of reform, embracing new technology and methods of working'.





Councils seek local feedback on Clean Air Zones

Councils are in the process of consulting on Clean Air Zones (CAZs) as part of their strategy to reduce roadside emissions of nitrogen dioxide to comply with requirements set out in the Government's *Improving air quality: national plan for tackling nitrogen dioxide in our towns and cities*.

For Leeds City Council, as one of the five local authorities (together with Birmingham, Derby, Nottingham and Southampton) proposed to introduce a CAZ, this is the second consultation, with a revised proposal prepared in response to business pressures and renewed modelling, which showed that a smaller zone to the one first outlined will still deliver the required air quality improvements.

The revised proposal also sees a reduction in charges from £100 to £50 per day for buses, coaches and heavy goods vehicles (HGVs). The charge for non-compliant taxis and private hire vehicles will be £12.50, in line with the charges planned for London's Ultra Low Emission Zones (ULEZ).

Birmingham City Council is also in the process of consulting on a scheme, which will extend to all types of vehicle, including cars, and Derby City Council is consulting on options for improving air quality around the Stafford Street area of the city centre. The City Council has indicated that it would prefer not to introduce a charging CAZ, instead focusing on a range of traffic management measures, a targeted clean air incentive scheme and low-emission incentives, excluding charging. However, two charging options are included in the consultation: one for a charging zone within the inner ring road and one within the outer ring road. The consultation runs to 24 September 2018.

CAZs will be managed by cameras monitoring all vehicles entering the defined area. Checks will be made to see whether the vehicle meets the zone's emission standard, or whether a charge applies. Appeals against road-user charging penalties issued for failing to pay the required charge will be handled by the Traffic Penalty Tribunal.



CAZ signage and communication: A key consideration

A minimum requirement stipulated by the Government for setting up a Clean Air Zone (CAZ) is to 'have in place signs along major access routes to clearly delineate the zone.'

The Joint Air Quality Unit (JAQU) has issued guidance, *Signs and Road Markings for Charging Clean Air Zones*, which includes four symbols (see above) to denote four classes of CAZ:

- A:** Buses, coaches, taxis and private hire vehicles.
- B:** As above, plus HGVs.
- C:** As above, plus light goods vehicles.
- D:** As above, plus cars.

Experience from Tribunal appeals in respect of road-user charging schemes at both the Dartford-Thurrock River and Mersey Gateway Bridge Crossings has shown that there are lessons that can be learned for the new CAZ schemes.

A key consideration for charging authorities is communicating effectively to motorists that there is a requirement to pay online within a set period of time, even when they are busy navigating around what may be an unfamiliar town or city.

The five initially proposed locations are required to have their plans finalised, including whether this will include a charging scheme, by the end of 2018, for implementation by the end of 2019.

The Department for Environment, Food and Rural Affairs (Defra) has also directed 33 English local authorities to carry out studies on reducing nitrogen dioxide air pollution in their areas. Find out more [here](#).

The studies should identify what measures can be taken to reduce such pollution in their areas in the shortest time possible. These authorities were instructed to submit their findings to the Government by 31 July 2018. The Government will then consider the results and publish a supplement to its nitrogen dioxide plans by 5 October 2018.

Other major city authorities are also considering ways to improve air quality, including Bristol City Council and Bath & North East Somerset Council

A further consultation was launched in relation to air pollution in the round, including transport, industry and farming. Find out more [here](#).

PATROL and the Traffic Penalty Tribunal are liaising with Defra and local authorities as local plans develop.

The Welsh Government has also consulted on *A Clean Air Zone Framework for Wales*. The results of this consultation are due to be published in the near future.

Further focus on emissions from the Government

A new Government policy paper has outlined a series of measures aimed at aiding the transition to zero emissions for all new cars and vans by 2040 (previously committed in last year's *Air quality plan*), as sales of conventional petrol and diesel varieties come to an end. These goals will be supported by a series of infrastructure improvements, including electric vehicle charging points at new homes, on major roads and in residential areas, with on-street parking provision.



Authorities get together to share ideas and insight at PATROL and Traffic Penalty Tribunal innovation workshops

Local authority representatives have been getting together to share ideas and insight on parking and other traffic management enforcement, and to discuss how they respond to representations and appeals, through a series of workshops. PATROL and the Traffic Penalty Tribunal have been facilitating across England and Wales.

The workshops, titled *Innovation: Right first time*, have also been designed to encourage a fair and reasonable approach to challenges, reminding authorities of the statutory obligation to properly consider representations.

The workshops are being run by Iain Worrall, Stakeholder Engagement Manager at the Traffic Penalty Tribunal, with one such example in Manchester on 24 July, held at the renowned Museum of Science and Industry.

Over 30 representatives attended the Manchester workshop, from 13 local authorities.

The workshop began with a lively exercise that saw attendees get in to mixed groups to discuss new ideas and improvements to services, which their local authority had introduced over the last 12 months.

There was a range of good ideas across the workshop, particularly around customer engagement. A number of interesting projects were shared, including:

- the development of a monthly 'live chat' to engage with the public on civil enforcement.
- a 'park and stride' scheme for school traffic, encouraging parking further away from schools for free and walking the rest of the way.
- projects focused on air quality, in combination with parking enforcement.
- digitalisation projects, including online 'virtual permits' and the introduction of a cashless parking and mobile app system.

Spotlight on the judicial process and 'walking in the shoes' of adjudicators

Workshop attendees benefited from a comprehensive overview of the judicial process from Stephen Knapp, Deputy Chief Adjudicator at the Traffic Penalty Tribunal.

The themes from Stephen's presentation were put in to action during a further interactive group exercise, with attendees

putting themselves 'in the shoes' of Traffic Penalty Tribunal adjudicators to decide three past appeals, before being given the actual adjudicator decision that was made.

This stimulating session highlighted the different priorities and standpoints of the local authorities in attendance, reflecting local issues and priorities, while also helping to shed further light on the work of adjudicators and the consideration of evidence in decision making.

A later demonstration of some of the Tribunal's recently conducted video hearings provided further insight into the adjudicator's role.

Further updates and developments

To close the workshop, Iain presented a number of key updates and ongoing projects from PATROL and the Traffic Penalty Tribunal. These are summarised below.

- New standardised Notice of Rejection (NOR).
- FOAM features:
 - New Review application tool – introduced for appellants and authorities to request a review following an appeal decision.
 - Uploading evidence – best practice to ensure clarity and ease of reference for all parties to the appeal.
- Review of pavement parking legislation – sharing experiences on local authority initiatives to educate the public on the impact of pavement parking, as well as enforcement schemes.
- Steps local authorities can take to distribute NOR letters digitally – avoiding the cost and time implications of first-class post.
- Littering from vehicles – an update from the recent Pathfinder workshop, in respect of new regulations.

The Manchester workshop received positive feedback from attendees regarding the tangible takeaways from the collaborative discussions that attendees were able to apply to support them in their roles.

For more information on any of the items covered in this article, or to find out more about attending a future workshop, please contact Iain Worrall at: iworrall@trafficpenaltytribunal.gov.uk.

PATROL continues to support officers attending its workshops by reimbursing reasonable travel expenses.

NEWS IN BRIEF

Pavement parking: the view from outside London

In August 2017, the Department for Transport (DfT) published a draft transport accessibility action plan, which included meeting the challenges of unauthorised pavement parking.

PATROL responded to the consultation, outlining the challenges of the Traffic Regulation Order (TRO)-making process, generally, and, in particular, for pavement parking, while setting out the option of introducing obstruction from pavement parking as a new contravention. The consultation document referred to a survey on the wider TRO process, in terms of the current situation, the costs and timescales for processing TROs and information on options for change. In March this year, *Parking Review* magazine invited PATROL to outline its position on pavement parking, and this was published in the issue of that month.

In July, the Government published the responses to its consultation, together with next steps. The document reiterates the Government's commitment to gather evidence on pavement parking, the effectiveness, or not, of current regulatory frameworks, and potential alternatives.

Furthermore, pavement parking was highlighted in a number of local authority parking Annual Reports this year. Winners of the 2018 PATROL PARC (Parking Annual Reports by Councils) Awards, Devon County Council, provided statistics on reported incidents of pavement parking across the county in their 2016/17 Annual Report. The authority also continues to deploy leaflets to educate the public on the impact pavement parking has on members of the community, particularly those navigating pavements with prams and wheelchairs, as well as those with a visual impairment. Derby City Council reported on the steps it had taken to implement a city centre scheme targeting footway parking.

Feedback from local authority regional workshops PATROL held this summer suggests pavement parking is at the forefront of many councils' minds, and PATROL will be drawing on this experience in its contribution to the Government's call for evidence on the issue.

People with hidden disabilities to benefit from Blue Badges

Following a recent consultation, and reflecting the biggest overhaul of Blue Badges since the 1970s, the scheme will now be extended to people with less-visible conditions early next year.

Jesse Norman MP, Parliamentary Under Secretary of State for the Department for Transport (DfT) said: *'Blue badges are a lifeline for disabled people, giving them the freedom and confidence to get to work and visit friends independently...*

this scheme is extended equally to people with hidden disabilities, so that they can enjoy the freedoms that many of us take for granted.'

The new criteria for the Blue Badge scheme will extend eligibility to people who:

- cannot undertake a journey without there being a risk of serious harm to their health or safety, or that of any other person (such as young children with autism)
- cannot undertake a journey without it causing them very considerable psychological distress
- have very considerable difficulty when walking (both the physical act and experience of walking).

A summary of the responses to and outcomes from the consultation can be found [here](#).

The DfT will now work with stakeholders to develop new guidance to help administer the Blue Badge scheme, when the changes come into force. The Government recently set out its plans to improve accessibility across all modes of transport in the *Inclusive Transport Strategy*, which launched on 25 July, with an aim to make the UK's transport network fully inclusive for those with disabilities by 2030.

Progress in Parliament for Sir Greg Knight's Private Parking Bill

We reported in the last edition of the newsletter that Sir Greg Knight (Member of Parliament for East Yorkshire) is sponsoring a Private Member's Bill – *Parking (Code of Practice) Bill* – which aims to make provision to set up an independently chaired committee to create a single Code of Practice on the operation and management of private parking facilities.

Having been first presented to Parliament on 19 July 2017 and benefiting from cross-party support during its first and second reading, including from Jacob Rees-Mogg MP and Daniel Zeichner MP, the Bill reached the Committee stage on 19 July 2018, where it was reported without amendment.

During the Committee stage, Labour and Conservative MPs shared stories of excessive and unfair practices by rogue parking operators, with Rishi Sunak MP, Parliamentary Under-Secretary for Housing, stating that the Government backed the bill and wanted to bring the legislation forward as soon as possible.

The remaining stages of the Bill will be read on Friday 23 November 2018.

The public do not always make the distinction between public and private parking enforcement and PATROL and the Traffic Penalty Tribunal are supportive of this Bill, which has the potential for an improved customer experience.



Online appeals continue to rise as FOAM celebrates second anniversary

Two years on from the launch of the Traffic Penalty Tribunal's Fast Online Appeals Management (FOAM) system, more appellants are now choosing the online option, with offline cases on a steady decline.

In June, the percentage of appeals conducted online was 92%, compared to 75% a year ago, reflecting a 20% increase in just 12 months.

In July, the Tribunal conducted an appellant survey, which saw almost all respondents rank the online appeals process as nearly 90 out of 100 in terms of satisfaction; with 95% of all respondents either 'Very Likely' or 'Highly Likely' to recommend FOAM to others.

Respondents included those appellants who had been unsuccessful in their appeals, as well as those who had been successful.

The messaging in FOAM allows adjudicators and the parties to ask questions and comment in the same way they would at a hearing. This functionality has meant that most cases can now be resolved without a hearing.

The drive to bring the majority of appellants online certainly does not mean that there is no scope for more personal support. On the contrary, the advent of FOAM has freed up the Tribunal's customer service team from routine administrative tasks to provide enhanced support for those who need a little extra help.

The team proactively engages with appellants to promote, explain and support the online appeal process, both with appellants who wish to go online but need assistance, and those who require an alternative way of appealing.

Video hearings piloted

With the online success of FOAM, the demand for face-to-face hearings has also reduced significantly. Online decisions and telephone hearings now predominate and, since February

2018, face-to-face hearings have only taken place where cases have involved an Adjudicator site visit.

The Tribunal is also currently trialling video hearings using leading video conferencing technology, where appellants have expressed an interest to do so, as an alternative to telephone hearings.

Video hearings are offered on a similar basis to telephone hearings. To access, a participant is emailed a link to join an online meeting. By clicking the link and joining the meeting, the appellant can see and hear the other parties in the conference.

The platform used, Zoom, is web based, which means there is no need to buy a subscription or any special software or hardware. Appellants and councils wishing to participate on-screen in video hearings just need a computer with a webcam, microphone and speakers.

In a pilot scheme, the Tribunal has been offering video hearings to appellants with cases against a small number of local authorities, chiefly in Bradford, Sheffield, Derby and Worthing, and has already received some very positive feedback. A number of comments received so far can be seen below:

'Very good overall, I liked not having to travel but still getting to present my case.'

'You can see everything.'

'Video hearings humanise the situation – you get more of a human connection when you can see who you are talking to, even if the appeal didn't go your way, you feel like you have been listened to.'

'It is more comforting seeing a face than just hearing a voice on the telephone.'

PATROL Adjudication Joint Committee Appointees

Chair: Councillor Jamie Macrae, Cheshire East Council

Vice Chair: Councillor Stuart Hughes, Devon County Council

Assistant Chair: Councillor Terry Douris, Dacorum District Council

Assistant Chair (Wales): Councillor John James, Carmarthenshire County Council

PATROL Bus Lane Adjudication Service Joint Committee Appointees

Chair: Councillor Tony Page, Reading Borough Council

Vice Chair: Councillor Graham Burgess, Hampshire County Council

PATROL Director: Louise Hutchinson

PATROL Executive Sub-Committee 2018/19

PATROL appoints an Executive Sub-Committee to act between annual meetings.

Members of the Sub-Committee are detailed below.

Council	Councillor Representative	Substitute Councillor Representative
Bath & North East Somerset Council	Mark Shelford	
Blackpool Council	Fred Jackson	
Bolton Council	David Chadwick	
Bracknell Forest Borough Council	Chris Turrell	Mike Brossard
City of Bradford Metropolitan District Council	Carol Thirkill	
Brighton & Hove City Council	Saoirse Horan	
Bristol City Council	Steve Pearce	
Carmarthenshire County Council	John James	
Charnwood Borough Council	Margaret Smidowicz	
Cheshire East Council	Jamie Macrae	
Chichester District Council	Eileen Lintill	Peter Budge
City and County of Swansea Council	Mark Thomas	
Coventry City Council	Abdul Khan	Jayne Innes
Dacorum Borough Council	Terry Douris	
Dartford Borough Council	Marilyn Peters	Pat Coleman
Devon County Council	Stuart Hughes	
Dudley Metropolitan Borough Council	Ian Kettle	
Durham County Council	Jeanette Stephenson	
East Hertfordshire District Council	Gary Jones	
Eden District Council	Deb Holden	
Gedling Borough Council	Marje Paling	
Hambleton District Council	Nigel Knapton	
Hampshire County Council	Graham Burgess	
Havant Borough Council	Gary Robinson	
Hertfordshire County Council	Clr Phil Bibby	
Isle of Wight Council	Ian Ward	Vanessa Churchman
Knowsley Metropolitan Borough Council	Shelley Powell	
Lincolnshire County Council	Michael Brookes	
Liverpool City Council	James Noakes	
Nottingham City Council	Dave Liversidge	
Oldham Metropolitan Borough Council	Peter Davis	
Reading Borough Council	Tony Page	Debs Absolom
Scarborough Borough Council	Andrew Jenkinson	
Sevenoaks District Council	Matthew Dickins	
Somerset County Council	John Woodman	
South Hams District Council	Keith Baldry	
South Tyneside Council	Alan Kerr	
Stockton-on-Tees Borough Council	Mike Smith	
Stoke-on-Trent City Council	Lee Wanger	
Sunderland City Council	Amy Wilson	Richard Bell
Tameside Metropolitan Borough Council	Warren Bray	
Walsall Council	Vera Waters	
West Berkshire Council	Jeanette Clifford	
Wigan Metropolitan Borough Council	Kevin Anderson	
Wirral Council	Stuart Whittingham	Dave Mitchell
Worcester City Council	Simon Cronin	
Wychavon District Council	Martin King	
City of York Council	Peter Dew	

'The quality of a society can be measured by the quality of the environment it creates for its citizens; and what you do is part and parcel of creating civilised, healthy places for people to live.'

Gyles Brandreth

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The PATROL website, in addition to information about the Joint Committee, provides public information about parking and bus lane regulations and the enforcement process
