

**PARKING AND TRAFFIC REGULATION OUTSIDE LONDON (PATROL)
ADJUDICATION JOINT COMMITTEE**

**MINUTES OF THE MEETING HELD AT THE NATIONAL MOTOCYCLE MUSEUM,
SOLIHULL, BIRMINGHAM, ON 30 JUNE 2009.**

Present:

Cllr Mark Tufnell	Cotswold District Council
Cllr Michael Oates	Tamworth Borough Council
Cllr Steve Harmer-Strange	Brighton and Hove Council
Cllr Roger Taylor	Calderdale Metropolitan Borough Council
Cllr Jim Jones	Carmarthenshire Council
Cllr Budge Wells	Central Bedfordshire Council
Cllr Jamie McRae	Cheshire East Council
Cllr Ann Wright	Cheshire West and Chester
Cllr Mervyn Jones	City and County of Swansea
Cllr Chapman	Dacorum Council
Cllr Eryl Williams	Denbighshire County Council
Cllr Mike Carver	East Herts District Council
Cllr Richard Bassett	Epping Forest District Council
Cllr Mrs Phrynette Dickens	Hampshire County Council
Cllr Barbara Mace	Liverpool City Council
Cllr Tony Burns	Manchester City Council
Cllr David Payne	Newark and Sherwood District Council
Cllr Anita Lower	Newcastle City Council
Cllr Phil Maskary	Newcastle Under Lyme Borough Council
Cllr Jane Urquhart	Nottingham City Council
Cllr Ron Oatham	Rochford District Council
Cllr Roland Dibbs	Rushmoor Borough Council
Cllr. Ian Auckland	Sheffield Council
Cllr Swindlehurst	Slough Borough Council
Cllr G E Richards	Solihull Borough Council
Cllr Gerald Forsbrey	Spelthorne Borough Council
Cllr Mike Maryon	Staffordshire County Council
Cllr Ken Gregory	Thanet District Council
Cllr Patrick Haycock	Wychavon District Council
Cllr Fran Oborski	Wyre Forest District Council
Cllr Noonan	Coventry City Council

Also present:

John Satchwell	Bournemouth Council, Chair of Advisory Board
Peter Bayless	Hampshire County Council, Advisory Board
Colin Eaketts	Welsh Assembly Government
Angaharad Huws	Welsh Assembly Government
Trevor Sage	Carmarthenshire Council, Advisory Board
Joanne Rodgers	Wrexham Council
Hugh Wilson	

Glynnis Jeavons
Graham Williams
Kay English
Simon Parker
Paul Nicholls
Nigel Bickles
Debbie Calcott
Gwyn Hughes
Andrew Pulham
Roy Tunstall
Celia Jenkins
Nick Miller
Kam Hothi
Andrew Perry
Jonathan McKeag
Mark Shenton
Bob Spicer
Caroline Sheppard
Louise Hutchinson
Christine Crisp
Diane Dunn
Andrew Barfoot
Kelly Cornell
Miles Wallace

Walsall Metropolitan Borough Council
Newcastle under-Lyme Borough Council
Borough of Poole
Borough of Poole
Brighton and Hove Council
Calderdale Borough Council
Calderdale Borough Council
Conwy Council
East Herts District Council
Liverpool City Council
Nottingham City Council
Staffordshire County Council
Slough Borough Council
South Staffordshire District Council
South Tyneside Council
Stafford Borough Council
Thanet District Council
Chief Adjudicator
Head of Service
For PATROL Secretary
Manchester City Council
Traffic Penalty Tribunal
PATROL
PATROL

PATROL/09/01 Appointment of Chair, Vice Chair and Assistant Vice Chairs

Nominations were invited.

Decision

To appoint Councillor Gregory (Thanet) as Chair and Councillor Burns (Manchester) as Vice Chair, Councillor Dickens (Hampshire) as Assistant Vice Chair and Councillor Jim Jones (Carmarthenshire) as Assistant Vice Chair (Wales)

Councillor Gregory in the Chair.

PATROL/09/02 Appointment of Auditors

Decision

To approve the appointment of Grant Thornton, Auditors to the Lead Authority to act as Auditor to the Joint Committee until the next Annual meeting

PATROL/09/03 Standing Orders and Cycle of meetings

Decision

To adopt the Standing Orders and approve the cycle of meetings for 2009/2011 as follows:

Executive Sub Committee: September 2009; January 2010 and June 2010.

PATROL Annual Meeting: September 2010.

Executive Sub committee (Wales): As determined by the Sub Committee.

PATROL/09/04 Minutes

The Minutes of the PATROL Joint Committee held on 7 October 2008 were submitted.

Decision

To approve as a correct record the Minutes of the meeting held on 7 October 2008 subject to amending the authority represented by Councillor Page from Oxford to Reading.

PATROL/09/05

Executive Sub-Committee Minutes

Decision

To note the Minutes of the meeting held on 27 January 2009.

PATROL/09/06

Establishment of Executive Sub Committee

A report was submitted on the appointment of an Executive Sub-Committee for the forthcoming year.

Decision

To approve the establishment of an Executive Sub-Committee to act on behalf of the Joint Committee until the annual meeting in 2010, comprising Councillors Mike Carver (East Hertfordshire), Tony Burns (Manchester), Roland Dibbs (Rushmoor), Phrynnette Dickens (Hampshire), Ken Gregory (Thanet), Richard Bell (Sunderland), Gerald Forsbrey (Spelthorne), Steve Harmer-Strange (Brighton and Hove), David Gilliard (Poole), Tony Page (Reading), Jim Macrae (Cheshire West and Chester) and Jim Jones (Camarthenshire)

PATROL/09/07

Advisory Board

A report was submitted on the appointment of representatives to the Advisory Board and detailing changes to the current composition.

Decision

To adopt the Terms of Reference and Composition of the Advisory Board and appoint members as follows:

The Lead Officer plus up to 11 people viz:

At least one representing an English Authority

Bournemouth Unitary Council – John Satchwell

At least one representing a Welsh Authority

Carmarthenshire County Council – Trevor Sage

At least one representing a District Council

Winchester City Council – Andy Hickman

At least one representing a County Council

Hampshire County Council – Peter Bayless

At least one representing a Unitary or Metropolitan Council
Leeds City Council – Chris Bramham

At least one representing a bus lane enforcement Council
Bath and North East Somerset – Kathryn Eldridge

Lead Authority
Manchester City Council – Michelle Chard

A representative each from the DfT and WAG (Ex-Officio)– *Marilyn Waldron (DfT) and Clint de Souza (DfT) and Colin Eakitts (WAG)*

A representative from a Motoring Association
Paul Watters – AA Motoring Trust (Ex-Officio)

An independent person with knowledge of judicial or tribunal systems (Ex-Officio)
Graham Addicott OBE

PATROL/09/08 General Progress and Service Standards

A report was submitted detailing progress in respect of (a) take up of civil parking enforcement powers in England (outside London) and Wales and information in relation to general progress and service standards.

The Joint Committee was informed of the Performance Indicators and given an analysis of the tables contained within the report. Reference was made to the period of time taken to dispose of cases and the reasons for this were outlined. The Chief Adjudicator outlined the procedure for telephone hearings, and in answer to a question confirmed that conference calls were recorded and digitally stored.

In response to a question the Joint Committee was informed that councils' IT suppliers were able to offer the facility to enable Councils to participate in Appeals on Line and Electronic Transfer of Evidence.

Reference was made to customer feedback and a user survey. Information in this respect will be presented to the Joint Committee in General Progress Reports.

Members agreed that it was appropriate for them to take back to their Councils the benefits of them participating in Appeals on Line.

Decision

1. To note the information concerning the current take up of civil enforcement of parking powers.
2. To note the performance contained in the report together with general progress information.
3. To note that a vigorous marketing campaign will be undertaken during 2009/2010 to persuade Councils to participate in Appeals on Line and Electronic Transfer of Evidence.

PATROL/09/09 Internal Audit Report – Performance Management

A report from Internal Audit on Performance Management was submitted.

Decision

To note the report and the follow up actions contained in the report.

PATROL/09/10 Risk Register

The Risk Register established by the Executive Sub Committee in January 2008 was submitted as part of the regular review of the Register.

Decision

To note the findings of the Risk Register.

PATROL/09/11 Final Revenue Accounts 2008/09

The Final Accounts for the year 2008/09 were submitted.

The Lead Officer responded to issues of detail highlighted by members. She agreed that more information would be provided when presenting the accounts for 2009/2010. Steps were being taken to control costs wherever possible. The increases were not just office based but also included venues for hearings.

Reference was made to the fact that the Tribunal now had a separate bank account from that of the Lead Authority and that further information on this would be submitted to the Executive Sub Committee in September.

The representative of the City Treasurer of the Lead Authority assured the Joint Committee that there were no problems envisaged in relation to Retirement Benefits.

Decision

1. To note the outturn position against the 2008/09 revenue budget as detailed in the report.
2. To approve the 2008/09 Accounts for the Patrol Adjudication Joint Committee as prepared by the Lead Officer and detailed in the report including the Annual Governance Statement 2008/09.
3. To receive and approve the Code of Corporate Governance.
4. To agree to balance the accounts by drawing £224,920 from the general reserves.
5. To note that the Auditor's report in relation to 2008/09 will be submitted to the PATROL Adjudication Joint Committee Executive Sub Committee in September 2009.

PATROL/09/12 Service Charge 2009/2010

A report reviewing the charges levied from local authorities participating in the Joint Committee's adjudication service during 2009/2010 was submitted.

The Lead Officer introduced the report and outlined the options before the Joint Committee in relation to the Service Charges.

Some members present felt that further information was needed and that the charge should remain the same until the meeting of the Executive in January. Referring to the budget shortfall a member suggested that there should be further consideration of the matter by the Executive Sub Committee in January and that in the meantime the charge be increased to 65pence.

It was moved that the service charge be increased to 65 pence and reviewed again in January. The Chair put the motion to the Joint Committee and the proposal was carried.

Decision

1. To adopt the following charges in support of the service to be made to participating local authorities with effect from 1 July 2009

Element	Charge
Annual Charge (per SPA)	£0
Charge per PCN issued	£0.65
Charge per adjudication case	£0

2. To agree to levy service charges based on a quarterly in advance basis for the PCN charge based on estimated figures and subsequently adjusted.

3. To note that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental cost of making a transcription from the audio recording of proceedings at a personal hearing is charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.

4. To request the Executive Sub Committee to review these charges at the meeting in January 2010.

PATROL/08/13 Annual Report of the Adjudicators

A report of the Lead Officer was submitted presenting arrangements for the production of the Annual Report of the Adjudicators from April 2008 to March 2009.

Decision

1. To note the arrangements for receiving the annual report from the Adjudicators for the period April 2008 to March 2009 and to delegate authority to the Executive Sub Committee to receive the report and make arrangements for it to be forwarded to the Secretary of State.

2. To request that the report be presented to the Executive Sub Committee (Wales) in accordance with the Terms of Reference for that Sub Committee and that the report be translated into the Welsh language for the purpose of forwarding it to the First Minister.

3. To agree that the report is published and circulated free of charge

PATROL/09/14 Exclusion of Public

A recommendation was made that the public be excluded during consideration of the next item of business.

Decision

To exclude the public during consideration of the following item which involved consideration of exempt information relating to the financial or business affairs of particular persons, and public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PATROL/08/15 Appointment of Chief Adjudicator (Press and Public excluded)

A report was submitted relating to an offer of appointment by virtue of Regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and Regulation 9 of The Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008 to Caroline Sheppard, and to extend her appointment as Chief Adjudicator for England and Wales for the purposes of Part 6 of the Traffic Management Act 2004.

Decision

1. To approve the application of the Ministry of Justice Senior Salaries Review Board Group rate to the post of Chief Adjudicator with effect from 1 April 2009 as detailed in the report.
2. To approve the offer of an appointment as an adjudicator under Regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and Regulation 9 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008 to Caroline Sheppard who holds an existing appointment under Section 73 of the Road Traffic Act 1991 from the former National Parking Adjudication Service Joint Committee, the fresh appointment being subject to the consent of the Lord Chancellor.
3. To agree that when the Lord Chancellor's consent has been obtained, Caroline Sheppard be appointed as the Chief Adjudicator for England and Wales of the Traffic Penalty Tribunal, on the terms and conditions outlined in the report.