

# Newsletter

Spring 2017

**PATROL**

Traffic Penalty  
Tribunal England and  
Wales



# PATROL Executive Sub Committee\*

## 2016/17

PATROL is made up of 307 local authority members across England (outside London) and Wales hence the name PATROL (Parking and Traffic Regulations Outside London). PATROL holds an annual meeting and appoints an executive sub committee to act between meetings, members of which are set out below:

### Council

Adur District Council  
 Bath & North East Somerset Council  
 Bedford Borough Council  
 Bolton Council  
 Brighton & Hove City Council  
 Carmarthenshire County Council  
 Cheshire East Council  
 Chichester District Council  
 City and County of Swansea  
 City of York Council  
 Coventry City Council  
 Devon County Council  
 East Herts Council  
 Epping Forest District Council  
 Gedling Borough Council  
 Hambleton District Council  
 Hampshire County Council  
 Herfordshire County Council  
 Isle of Wight Council  
 Lincolnshire County Council  
 Liverpool City Council  
 Maidstone Council  
 New Forest District Council  
 Newark and Sherwood District Council  
 Nottingham City Council  
 Reading Borough Council  
 Rushmoor Borough Council  
 Sevenoaks District Council  
 Somerset County Council  
 South Hams District Council  
 South Tyneside Council  
 Stockton Council  
 Sunderland City Council  
 Tameside Metropolitan District Council  
 Thanet District Council  
 Trafford Council  
 Wigan Council  
 Worcester City Council  
 Worthing Borough Council  
 Wychavon District Council

### Councillor

Clive Roberts  
 Anthony Clarke  
 Jonathan Gambold  
 Derek Burrows  
 Saoirse Horan  
 Peter Cooper  
 Jamie Macrae  
 Eileen Lintill  
 Geraint Owens  
 Ian Gillies  
 Jayne Innes  
 Stuart Hughes  
 Gary Jones  
 Gary Waller  
 Marje Paling  
 Nigel Knapton  
 Graham Burgess  
 Terry Douris  
 Ian Ward  
 Richard Davies/Stuart Kinch  
 Malcolm Kennedy  
 Clive English  
 Edward Heron/Steve Clarke  
 David Payne  
 Nick McDonald/Corall Jenkins  
 Tony Page  
 Martin Tennant  
 Mathew Dickins  
 DJA Fothergill  
 Keith Baldry  
 Alan Kerr  
 Nigel Cooke  
 Michael Mordey/Richard Bell  
 Peter Robinson  
 Ken Gregory  
 John Reilly  
 Kevin Anderson  
 Simon Cronin  
 Emma Evans  
 Graham Beale

### PATROL Adjudication Joint Committee

#### *Chair*

Councillor Jamie Macrae - Cheshire East Council

#### *Vice Chair*

Councillor Stuart Hughes - Devon County Council

#### *Assistant Chair*

Councillor Terry Douris - Herfordshire County Council

#### *Assistant Chair (Wales)*

Councillor Peter Cooper - Carmarthenshire County Council

### Bus Lane Adjudication Service Joint Committee

#### *Chair*

Councillor Tony Page - Reading Borough Council

#### *Vice-Chair*

Councillor Graham Burgess - Hampshire County Council

### New Councils

There are currently 307 members of the PATROL Joint Committee.

Two new parking councils are due to join in April 2017 North Somerset Council and South Bucks District Council.

There are currently 58 bus lane councils, Blackburn with Darwen Borough Council, are the latest council to commence civil bus lane enforcement.

\* Where councils also undertake civil bus lane enforcement, members are represented on the Executive Sub Committee of the Bus Lane Adjudication Service Joint Committee.



➤ **Councillor Jamie Macrae**  
PATROL Joint Committee  
Chair

## Foreword

2016 was a landmark year for PATROL and the Traffic Penalty Tribunal with the introduction of FOAM (Fast Online Appeal Management). FOAM was the culmination of a review of tribunal processes and communication underpinned by a user friendly web based appeal system. The result has been transformational for all parties with extremely positive appellant and local authority feedback.

FOAM won the "Excellence in Technology" Award at the North of England Transport Awards at the end of 2016. FOAM was also announced as the winner of the "Intelligent Parking" category at the British Parking Awards in March. Finally, I am delighted that the Chief Adjudicator, Caroline Sheppard, received the British Parking Awards' "Lifetime Achievement" Award which was richly deserved. The digital journey continues apace in 2017 with the introduction of the FOAM Witness Statement process to be released in Spring.

**Councillor Jamie Macrae**

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



## Excellence in Technology Award

TPT's FOAM was one of eight entries in the Excellence in Technology category, which recognises organisations using technologies to assist in the transport planning or running of transport operations in Northern England. TPT and PATROL are based in Wilmslow, Cheshire.

Caroline Sheppard, Chief Adjudicator of the Traffic Penalty Tribunal, said: "We are delighted to be recognised for successfully launching our innovative online tribunal system, FOAM, which has transformed the appeal process for appellants and councils. We have already received hugely positive feedback from motorists and the councils report welcome savings in terms of time and money. We developed the system with Resolver, themselves the award-winning provider of a consumer complaints website, and we are pleased that the PATROL Joint Committee, who backed the development of the project, are sharing the award for their imaginative and enthusiastic encouragement."

# A message from the Chief Adjudicator



➤ **Caroline Sheppard**  
TPT Chief Adjudicator

## FOAM Roll Out To Local Authorities

The Traffic Penalty Tribunal set a goal of all councils joining FOAM by the end of March 2017 to provide a universal service to appellants. To achieve this aim, the tribunal's Authority Engagement Manager, Iain Worrall held a total of 38 workshops from Sunderland to Cornwall. The tribunal has also developed an online training resource to support local authority teams.

The Traffic Penalty Tribunal (TPT) undertook a root and branch review of the appeal process to introduce an intuitive and efficient online appeal service. Our watch words are ACCESSIBILITY, TRANSPARENCY, VELOCITY, PROPORTIONALITY, FINALITY. We are grateful to Professor John Raine for his user survey of appellants using our prototype system and his recommendations which have helped us to refine FOAM and improve the user experience.

As Her Majesty's Courts and Tribunal Services undertakes its own transformation, the tribunal's offices in Wilmslow have been the destination for visitors from all areas of the judiciary to understand both the technology that underpins the service and the virtual and flexible way in which the tribunal operates. There is genuine surprise that the modest offices and small group of staff handle over 25,000 appeals per annum from across England (outside of London) and Wales.

"I recently shared the tribunal's digital experiences with the All Party Parliamentary Group on Alternative Dispute Resolution (ADR) and made recommendations for other areas of the public sector embarking on a similar journey."

This screenshot from a case shows how through messages the case was resolved without a hearing. The adjudicator has liaised with the appellant and the authority to reach a common understanding and a solution.

From: [redacted] To: [redacted] 15/08/2016 11:54  
Requires response from [redacted] by 19/08/2016 09:00 (responded)  
Requires response from [redacted] 19/08/2016 09:00

I am an adjudicator and I am conducting a pre-hearing review of this case. The purpose of a pre-hearing review is to clarify the issues in advance of the hearing.  
1. Miss [redacted] I recognise it is your case that you were not driving the vehicle and that it was in the hands of the motor trader from whom you bought it, having returned it for a minor repair. In their Notice of Rejection letter of 2 August 2016 the council said that they would consider the matter further if you supplied them with the full name and address with postcode of the trader. Did you reply to that request? If not, why did you not do so? How long did the trader have the vehicle for the repair?  
2. Manchester City Council: I [redacted] has indicated that one of her concerns is that due to difficulty with the council's systems she could not lodge her challenge and let the right to pay at the discount rate. Would the council please consider whether it would be willing to reinstate the discount rate?

From: [redacted] To: [redacted] 15/08/2016 13:18  
Hi Edward, I HVE spoke to my trader an he said he wouldn't take responsibility for this ticket, and a the car is registered in my name I believe, I'm responsible for the fine. I have no proof of leaving the car with the trader that day, so I feel it would be wasted time on Botha sides ha it would be his word against mine, he had the car FRM 10am till 6pm tht day, I live in romiley Stockport! There would b no reason Why so ever Why I would of drove to that location the day of the conviction, I sent evidence of a re submitted form over 10 day before my chance to keep the penalty at 30 , BT tho didn't complete on your side , I feel this wasn't my fault , as I did What was ofise on me on the 6th of July , then to find out the form didn't complete , kind regards

From: [redacted] To: [redacted] 15/08/2016 18:26  
Yes we would consider reintroducing the discount

From: [redacted] To: [redacted] 15/08/2016 18:54  
Thank you, both. I [redacted], would you be prepared to resolve this appeal on the basis that the Council reinstate the 50% discount for say 14 days? E

From: [redacted] To: [redacted] 16/08/2016 09:06  
Discount has been given for 14 days from todays date

From: [redacted] To: [redacted] 16/08/2016 20:22  
Yes I will use the options on the penalty letter! To pay 30! When I have rang this number in the past ! It states 60pounds! Will it now state to pay 30? Kind

From: [redacted] To: [redacted] 17/08/2016 08:55  
The discount has been added, this needs to be paid by 30 August 2016

# University of Birmingham Report and Recommendations

## 'To appeal or not to appeal'

### Motorists' Awareness and Experience of the Traffic Penalty Tribunal

Back in 2003, Professor Raine and his team at the University of Birmingham conducted a user survey to help the tribunal better understand the experiences of both appellants who appealed their penalty charge notice and those that decided not to. So it was fitting as the Tribunal transferred to a digital process that a similar survey was undertaken once more. The Tribunal is grateful to the local authorities who assisted with this survey with appellants using the prototype online system which helped to refine the FOAM system. Professor Raine and his team made a series of recommendations which the Tribunal welcomes.

#### 1 Ensure Optimal Efficiency for Online Appellants.

The appellant user experience is a priority in the FOAM development.

#### 2 Ensure Mobile Optimisation.

The mobile experience is currently being refined and SMS messaging will be introduced in the coming months.

#### 3 Pilot the Introduction of Pre-Hearing Introductions for Telephone Hearings.

We are undertaking a hearing review which will consider this recommendation and the piloting of video hearings.

#### 4 Seek Out More Opportunities to Increase Public Awareness of the Tribunal.

The tribunal has recently engaged in primetime TV documentaries and will continue to explore other means of promoting awareness of the right to appeal.



UNIVERSITY OF  
BIRMINGHAM

#### 5 Agree a standard Notice of Rejection design and format that the adjudicators can approve as compliant with the regulations

This will be commissioned in 2017 in conjunction with local authorities and their IT suppliers.

#### 6 Develop Training Materials and Consider Providing Workshops for Council Traffic Enforcement Teams to Ensure Best Practice and Consistency in the Provision of Advice about Appeals.

Building on the success of the FOAM and Annual Report workshops for local authorities, a series of events will be held in 2017 on this element of public information.

Read more [here](#).

## Local Government Ombudsman calls for more fairness over parking fines

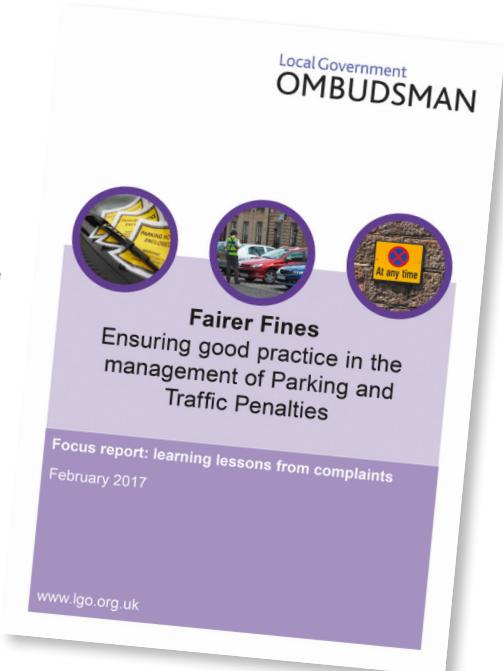
The Local Government Ombudsman has reviewed its complaints concerning parking and traffic enforcement and published a report: "Fairer Fines Ensuring good practice in the management of Parking and Traffic Penalties".

The report recommends that local authorities:

- > Listen properly to informal challenges
- > Explain fully motorists' appeal rights
- > Consider properly explanations about changes to vehicle keeper details
- > Be accessible to discuss motorists' enquiries
- > Ensure enforcement agents (bailiffs) follow best practice
- > Be open to consider exceptional circumstances

The report also includes tips for motorists to avoid parking penalty problems.

The report chimes with the recommendation from the University of Birmingham User Survey that a standardised Notice of Rejection of Representations would promote consistency and clearly set out the options available to vehicle owners. Read the full report [here](#).



**// To help build trust between local authorities and motorists, authorities should provide clear and transparent information, follow correct guidance and listen properly to legitimate concerns. //**

Michael King - Local Government Ombudsman

## Moving Traffic

Wales has the powers to enforce moving traffic under the Traffic Management Act 2004. Cardiff Council are already enforcing yellow box junctions and prohibitive turns and City and County of Swansea has consulted on moving traffic enforcement.



PATROL's membership brings together Welsh and English councils and it is apparent that many of its member councils in England would utilise moving traffic powers where they were introduced. PATROL's view is that a consistent approach under Part 6 of the Traffic Management Act across England and Wales would be helpful and will be working with its members to develop the evidence base for this. English councils can enforce bus lanes under powers from the Transport Act 2000 but not moving traffic powers.

## Facts and Figures

- 307 local authorities on FOAM.
- Requests for hearings have reduced by 15% with the appellant reviewing the evidence and responding before they request a hearing.
- 79% of decisions are now made online without a formal hearing. The messaging allows adjudicators and the parties to ask questions and comment in the same way that they would at a hearing. Online decisions have increased by over 22% in three years.
- Since 2013, case closure time has reduced significantly with 3.6% of cases either not contested or closed the same day, 45% of cases dealt with in 14 days and 87% within 28 days.

## ANPR

### Automatic Number Plate Recognition

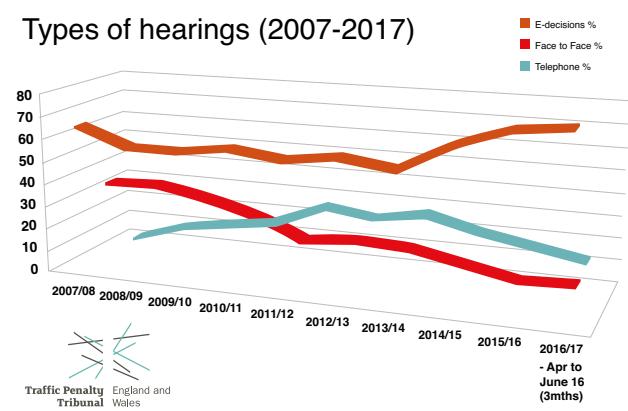
ANPR may automatically bring enforcement to mind however at a recent symposium held by PATROL and the Traffic Penalty Tribunal, it became clear that the customer benefits brought about by this technology and its ability to ease the process of parking with improved connectivity should not be overlooked.

ANPR is one aspect of the surveillance camera sector covered by the recently launched "National Surveillance Camera Strategy for England and Wales" published by the [Surveillance Camera Commission](#). The surveillance camera sector includes CCTV, body worn video, automatic number plate recognition, vehicle borne cameras and unmanned aerial vehicles.

## Pavement Parking

Pavement parking causes an obstruction to pedestrians and particular difficulties for blind and partially-sighted people, wheelchair and mobility scooter users and those with pushchairs and prams. Local authorities have to deal with the nuisance caused by pavement parking and the physical damage to local communities. A year ago Chief Adjudicator Caroline Sheppard and PATROL Advisory Board member, Marc Samways from Hampshire County Council attended a Pavement Parking Round Table convened by the Department for Transport to discuss the challenges faced by local authorities. The campaign for increased powers continues. The Department says that it is now looking at whether more can be done to make it easier for councils outside London to tackle these problem areas.

### Types of hearings (2007-2017)



## Parking Annual Reports by Councils (PARC) Awards 2016

We are delighted that David Rutley MP is once again kindly sponsoring these awards at the House of Commons on 11th July 2017. The awards recognise best practice in reporting which promotes public understanding of the local objectives and implementation of civil enforcement.



## STOP PRESS Awards

The Traffic Penalty Tribunal and FOAM has won the "Intelligent Parking" Award at the 2017 British Parking Awards. The Award recognises the development and implementation of innovative or smarter approaches to parking management.

TPT also made the shortlist for the "Commitment to Exceptional Customer Service" Award for its support of appellants and local authorities.



Debra Stephenson (compere), Tom Smith (Resolver), Louise Hutchinson, Iain Worrall, Sue Beggs, Erica Maslen, Anjali Shah and Caroline Sheppard receiving the Intelligent Parking Award from Penny Winder, Alpha Parking.

## Caroline Sheppard presented with "Lifetime Achievement" Award

Caroline Sheppard has received the "Lifetime Achievement" Award at the 2017 British Parking Awards in recognition of her work establishing fair and accessible adjudication for parking over the past three decades.

### Career history

#### ◆ Horseferry Road Magistrates Court

Caroline began her legal career overseeing London's Fixed Penalty Office and Central Processing Unit for the enforcement of parking fines before the introduction of decriminalised enforcement.

#### ◆ Establishing the London Adjudication Service

Caroline was appointed as the first Chief Adjudicator for London in 1992 and was instrumental in transferring the jurisdiction from the Magistrates Court to a tribunal under the Road Traffic Act 1991, creating the foundations of the adjudication service and tribunal centre in London.

#### ◆ National Parking Adjudication Service & Traffic Penalty Tribunal

Local authorities outside London began to seek decriminalised parking powers and in 1999 Caroline was appointed as the Chief Adjudicator of the National Parking Adjudication Service (now known as the Traffic Penalty Tribunal).

Caroline spearheaded the development of a "virtual tribunal" with adjudicators working remotely across England and Wales.

Caroline introduced the concept of face to face hearings, where required, being held in "pop up" venues around England and Wales.

Caroline has recently led TPT's online appeal initiative, FOAM (Fast Online Appeals Management), which has been transformational for appellants, authorities and the tribunal.



**'Caroline is a true pioneer, having brought parking adjudication and the justice system into the 21st century.'**

Caroline Hamilton, Chief Adjudicator, Environment and Traffic Appeals

**'First and foremost, Caroline is an advocate for justice. But her awareness of the need for fair treatment even in the small act of parking has inspired respect for her from the many people involved in its enforcement.'**

Jo Abbott, formerly of the RAC

## **PATROL**

Springfield House, Water Lane,  
Wilmslow, Cheshire SK9 5BG

[www.patrol-uk.info](http://www.patrol-uk.info)  
[info@patrol-uk.info](mailto:info@patrol-uk.info)  
01625 445 565

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