
**REPRESENTATION ON OTHER BODIES 2010/11
PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON (PATROL)
ADJUDICATION JOINT COMMITTEE**

Responsible Cabinet Member - Councillor David Lyonette, Transport Portfolio

Responsible Director - Paul Wildsmith, Director of Corporate Services

SUMMARY REPORT

Purpose of the Report

1. To delegate functions under the Traffic Management Act to the Parking and Traffic Regulation Outside London Adjudication Joint Committee.
2. To consider the appointment of a Member to the Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee for the remainder of the 2010/11 Municipal Year.

Recommendation

3. It is recommended that:
 - (a) Members delegate the Executive functions in accordance with s81 Traffic Management Act 2004 and relevant regulations to the Parking and Traffic Regulation Outside London Adjudication Joint Committee.
 - (b) The Borough Solicitor be authorised to sign the agreement with the other local authorities to enable Darlington to join the Joint Committee.
 - (c) The Cabinet Member with the Transport Portfolio be appointed to the Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee for the Remainder of the 2010/11 Municipal Year, with Portfolio holder for Adult Services as his named substitute.

Reasons

4. The recommendation is supported to enable the Council to be represented on the Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee

**Paul Wildsmith
Director of Corporate Services**

Background Papers

No background papers were used in the preparation of this report.

Lynne Wood : Extension 2287

S17 Crime and Disorder	The report does not directly contribute to the prevention of crime and disorder, however, the transfer of powers from the Police to the Council will release Police resources to focus on other priorities and crime and disorder.
Health and Well Being	The report does not directly impact on Health and Well Being, however, Civil Parking Enforcement aims to improve Road Safety to deter dangerous or obstructive parking.
Sustainability	The report does not directly effect sustainability but CPE aims to reduce the environmental impact of congestion.
Diversity	The report does not directly impact on diversity.
Wards Affected	CPE will affect all wards.
Groups Affected	CPE will affect all groups.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	No.
Urgent Decision	This is not an urgent decision, however, CPE is due to be introduced later this year, and a process needs to be in place to deal with any appeals.
One Darlington: Perfectly Placed	The report does not directly impact on the Strategy, however, transport has a key role to play across the themes of the vision and can contribute to achieving all of them.
Efficiency	There are no direct efficiencies to the Council from the information contained within this report. There is cost to the Council of Members attending meetings outside of the Borough.

MAIN REPORT

Information and Analysis

5. At present the responsibility for parking enforcement is divided between the Council and the Police. The Council is presently in the process of introducing Civil Parking Enforcement (CPE), which will enable the Council to enforce the vast majority of parking regulations in the Borough and assist with network management duties under the Traffic Management Act 2004. Civil Parking Enforcement in Darlington is scheduled to be introduced later this year, once the Department for Transport confirms a commencement date.
6. Once CPE is introduced the process for dealing with parking notices becomes a civil matter and as such the ability to challenge a notice through the Magistrates Court is removed.
7. Motorists are able to challenge the Council on a number of occasions through a nationally set framework that allows the motorist to make a challenge and then to make more formal representations against the notice. It is recognised nationally that there must be a final independent channel for appeals.
8. All Council's outside London who operate CPE must join the Traffic Penalty Tribunal (TPT). The TPT is an independent appeal service based in Manchester. They provide services throughout the Country providing a locally based independent adjudication service where both sides have the opportunity to present their case, either in person or in writing, with an independent adjudicator assessing the evidence and making a decision that is binding on the Council and the motorist. This is the final stage of the appeal process for motorists or vehicle owners against a penalty notice issued by the Council.
9. As part of the administration arrangement of the TPT a Joint Committee has been established entitled the Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee that provides all member local authorities the ability to have a nominated Elected Member to participate in the organisational arrangements.
10. PATROL Adjudication Joint Committee has been established to enable all Councils having Civil Enforcement Area Orders, to carry out civil enforcement of parking contraventions, to exercise their functions under Section 81 of the Traffic Management Act 2004 and Regulations 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. These functions are exercised through the Joint Committee in accordance with the requirements of Regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. The functions referred are, appointing independent adjudicators to the Traffic Penalty Tribunal (subject to the consent of the Lord Chancellor), providing these adjudicators with administrative staff and accommodation and providing hearing venues. Its remit in relation to the Tribunal is limited to these matters.
11. In addition, the Joint Committee oversees any agreed PATROL initiatives it decides to undertake separate from the provision of the adjudication service, e.g. commissioning Independent Reviews and the provision of public information.
12. The Council delegates these Executive powers to the joint committee by the approval of Cabinet to entering into an agreement with all the other authorities who form part of the

joint committee to delegate powers in accordance with s101 Local Government Act 1972 (and s 19 LGA 2000). Exercise of these powers is recorded in the Council's Constitution as a Joint Arrangement.

13. When it enters into the agreement the Council will have one seat on the Joint Committee for an Elected Member together with one named substitute. Meetings of the Joint Committee are held annually in Birmingham with the Chair, Vice Chair and Assistant Chair, being appointed by Members at that meeting. The Lead Authority for the Joint Committee is Manchester City Council.

Outcome of Consultation

14. No other consultation, other than with the political groups, was undertaken.

