



Parking and Traffic Appeals Service Newsletter

October 2005

PATAS Staff

There have been some recent staff changes at PATAS. The current staff profile looks like this – we will keep you informed of any updates:

Head of Service	-	Charlotte Axelson
Tribunal Secretary	-	Margaret Brown
Tribunal Assistant	-	Vacant
Case Manager (CC)	-	Garry Hoy
Case Manager (Customer Services)	-	Johanna Fairman-LeMaitre
Case Manager (Tribunal Services)	-	Mark Smith
Case Manager (Parking)	-	Richard Reeve
Case Officer (CC)	-	Gemma Benjamin
Case Officer (Parking)	-	Sarah Baker (maternity leave)

Although all the staff have particular areas of responsibility, you should find that any one of the above should be able to help with an enquiry.

Annual Report

The Parking and Congestion Charging Adjudicators' annual reports for the year 1 April 2004 – 31 March 2005 have been prepared. The Congestion Charging Adjudicators' report will be released on 17 October, the Parking Adjudicators' report is being submitted to the Association of London Government's Transport & Environment Committee on 20 October. Both reports will be available on the PATAS web site.

EDI (Electronic Data Interface)

Development work on electronic evidence submission for congestion charging appeals has now been completed. Testing is taking place during the week beginning 10 October. All being well, all Transport for London's evidence to Adjudicators in appeals will be submitted electronically from 17 October 2005. A report on the development will appear in a future newsletter.

Adjudicators' Practice Notes

Occasionally, the Parking Adjudicators wish to bring matters of concern or directions on practice to the attention of local authorities. The Chief Adjudicator has decided to formalise the arrangements for doing this and will be sending Practice Notes to all local authorities when such matters arise.

In due course, these will be included with the practical information on the appeals process, which appears on the PATAS web site.

Evidence Packs For Parking Adjudicators

It is proposed to hold a Local Authority seminar on Monday 21 November 2005 at 10am. This will focus on the Adjudicators' practical requirements for adducing different types of evidence and communicating with the Adjudicators and PATAS staff. It will also cover the preparation of evidence packs for Adjudicators.

Agenda and further details to follow.

Congestion Charge Judicial Review

In the last newsletter we gave details of the decision of Mr. Justice Burnton in the application for Judicial Review R (on the application of Joan Margaret Walmsley) v. PATAS.

The judgement said that the Adjudicator had the power to ***"give the charging authority such directions as he considers appropriate"*** and that the Adjudicator ***"might reasonably consider it appropriate to direct that the penalty charge notice be cancelled, even though the ground of appeal had not formally been established."***

Transport for London have since made an application to the Court of Appeal to be joined as a party of this case and to appeal the decision.

The case is listed for hearing in the Court of Appeal on 15 November 2005 and the outcome will be reported in the next newsletter.

Statistics April – June 2005

Parking

Local Authority	Rec'd	Stat. Dec. Rec'd	Allowed	Of which DNC	Refused	Of which W'drawn	Total Sealed	% Allowed (inc. DNC)	% DNC
Barking and Dagenham	182	0	199	9	109	0	308	65%	3%
Barnet	501	60	321	84	328	2	649	49%	13%
Bexley	126	0	46	10	61	1	107	43%	9%
Brent	461	9	155	52	190	1	345	45%	15%
Bromley	216	28	82	45	101	0	183	45%	25%
Camden	347	31	125	39	222	0	347	36%	11%
Corporation of London	104	2	37	11	55	0	92	40%	12%
Croydon	128	23	60	16	106	2	166	36%	10%
Ealing	403	64	326	134	221	2	547	60%	24%
Enfield	95	0	17	9	38	0	55	31%	16%
Greenwich	178	0	70	24	94	2	164	43%	15%
Hackney	341	13	304	157	107	0	411	74%	38%
Hammersmith & Fulham	402	44	166	83	256	1	422	39%	20%
Haringey	266	0	162	40	116	2	278	58%	14%
Harrow	288	28	99	11	153	1	252	39%	4%
Havering	128	4	71	33	59	1	130	55%	25%
Hillingdon	178	4	94	74	72	1	166	57%	45%
Hounslow	421	7	210	86	117	1	327	64%	26%
Islington	1251	20	1067	648	312	4	1379	77%	47%
Kensington and Chelsea	653	0	390	166	314	1	704	55%	24%
Kingston Upon Thames	65	16	52	8	96	2	148	35%	5%
Lambeth	525	0	513	194	258	7	771	67%	25%
Lewisham	163	13	53	16	63	0	116	46%	14%
Merton	79	0	26	16	11	1	37	70%	43%
Newham	371	25	207	61	221	1	428	48%	14%
Redbridge	101	7	47	19	68	0	115	41%	17%
Richmond Upon Thames	99	15	90	40	95	0	185	49%	22%
Southwark	580	39	341	205	156	0	497	69%	41%
Sutton	223	4	124	77	66	0	190	65%	41%
Tower Hamlets	141	25	102	24	139	0	241	42%	10%
Transport for London	577	0	119	85	8	0	127	94%	67%
Waltham Forest	494	0	341	156	79	1	420	81%	37%
Wandsworth	659	2	356	219	224	5	580	61%	38%
Westminster	1094	222	1595	527	1163	6	2758	58%	19%
Total	11840	705	7967	3378	5678	45	13645	58%	25%

Statistics April – June 2005

Bus Lanes

Local Authority	Rec'd	Stat. Dec. Rec'd	Allowed	Of which DNC	Refused	Of which W'drawn	Total Sealed	% Allowed (inc. DNC)	% DNC
Barnet	59	4	38	11	50	0	88	43%	13%
Bexley	23	0	5	0	15	1	20	25%	0%
Brent	19	0	2	0	8	0	10	20%	0%
Bromley	19	4	9	1	10	0	19	47%	5%
Camden	24	5	8	7	15	0	23	35%	30%
Croydon	4	4	1	0	6	0	7	14%	0%
Ealing	53	28	44	17	67	2	111	40%	15%
Enfield	3	0	1	0	4	0	5	20%	0%
Hackney	1	0	6	5	16	0	22	27%	23%
Hammersmith & Fulham	18	20	39	17	0	0	39	100%	44%
Haringey	32	0	1	0	4	0	5	20%	0%
Harrow	16	0	20	18	5	0	25	80%	72%
Hillingdon	16	1	20	8	11	0	31	65%	26%
Islington	53	0	0	0	0	0	0	0%	0%
Lambeth	51	0	37	8	39	0	76	49%	11%
Merton	9	0	1	1	0	0	1	100%	100%
Newham	53	4	32	16	32	0	64	50%	25%
Richmond Upon Thames	12	3	3	0	8	0	11	27%	0%
Southwark	10	9	9	4	22	0	31	29%	13%
Transport for London	270	13	77	26	158	2	235	33%	11%
Waltham Forest	5	0	8	4	4	0	12	67%	33%
Wandsworth	5	0	4	1	4	0	8	50%	13%
Total	755	95	287	106	355	4	642	45%	17%

Statistics April – June 2005

Moving Traffic

Local Authority	Rec'd	Stat. Dec. Rec'd	Allowed	Of which DNC	Refused	Of which W'drawn	Total Sealed	% Allowed (inc. DNC)	% DNC
Camden	84	0	9	4	12	1	21	43%	19%
Croydon	14	0	0	0	1	0	1	0%	0%
Ealing	23	0	12	3	2	0	14	86%	21%
Newham	65	0	37	18	7	1	44	84%	41%
TfL	123	1	49	31	32	5	81	60%	38%
Total	309	1	107	56	54	7	161	66%	35%

Statistics April – June 2005

Lorry Ban

	Rec'd	Stat. Dec. Rec'd	Allowed	Of Which DNC	Refused	Of which W'drawn	Total Sealed	% Allowed (inc dnc)	% DNC
ALG TEP	41	0	20	4	6	2	26	77%	15%

Statistics April – June 2005

Total (All Categories)

Local Authority	Rec'd	Stat. Dec. Rec'd	Allowed	Of which DNC	Refused	Of which W'drawn	Total Sealed	% Allowed (inc dnc)	% DNC
TOTAL	12945	801	8381	3544	6093	58	14474	58%	24%

Statistics April – June 2005

CC Adjudicators

	Appeals	Stat. Dec. Rec'd	Allowed	Of which DNC	Refused	Of which W'drawn	Total Sealed	% Allowed (inc dnc)	% DNC
Total	4124	1512	3223	1674	4316	17	7539	43%	22%

Statistics April – June 2005

PATAS Performance

	April	May	June	Quarter 1
Parking Adjudicators				
Average weeks delay postal	19	19	18	18.6
Average weeks delay personal	11.5	12	14	12.5
Total	17	17	16	16.6
Processing errors	0.09%	0.11%	0.14%	0.11%
CC Adjudicators				
Average weeks delay postal	39	40	42	40
Average weeks delay personal	20	32	30	27
Total	29	36	36	33
Processing errors	0.09%	0.09%	0.12%	0.10%

**APPLICATION FOR REVIEW OF THE DECISION OF THE PARKING
ADJUDICATOR**

Adrian Thorpe

-v-

Transport for London

Case No.: 2050111757 PCN: GT11813653

Being in a bus lane during the hours of operation.

This was an application for review by the Appellant.

The vehicle is licensed as a hackney carriage by the Thanet District Council. The Adjudicator decided that the vehicle could not be driven in bus lanes in London since, having been licensed in Thanet, it could not ply for hire in London and was not a "taxi" as defined by regulation 4 of the Traffic Signs Regulations and Directions 2002.

The reviewing Adjudicator found that Regulation 4 of the TSRGD requires only that the vehicle is licensed under section 37 of the Town Police Causes Act 1847, section 6 of the Metropolitan Public Carriage Act 1869 or under any similar enactment. The vehicle in question is so licensed and is therefore a "taxi" as defined. The fact that it cannot ply for hire in London is irrelevant and it does not cease to be a licensed hackney carriage when it is outside the area in which it can ply for hire.

The reviewing Adjudicator set aside the original decision to deny the appeal. Appeal allowed.

RECENT KEY CASES – PARKING ADJUDICATORS LORRY BANS

Lorry Ban Signage Summary

In 1985, a ban came into force to prevent lorries over a specified weight from entering certain restricted roads in Greater London at weekends and overnight. An exception applied for vehicles displaying a permit. One condition of using the permit was a requirement to minimise use of the restricted roads.

A number of Appellants raised as an issue the adequacy of signage; the essence of the complaint being that either there was no signage in place at all to warn of the existence of the prohibition, or that the signage was partial, or contradictory in nature.

The appeals were consolidated because of the point of general importance that was raised.

The enforcing authority's (ALG TEC) initial position was that although there was 98% coverage there was no obligation to provide any signage at all. One Appellant adduced in evidence a map published by the enforcing authority which advised that the maps could not be relied on to be up to date, and so the driver of the vehicle should check for signs on the road. The information given was manifestly contradictory to the Enforcing Authority's position.

The Enforcing Authority were invited to adduce evidence of the regime of signage that was in place and to indicate what other source of information was available to enable a motorist to be aware of the restrictions (in view of the Authority's argument that no signage was needed).

At the adjourned hearing, the Enforcing Authority conceded the requirement to adequately sign, and asserted that there was (in effect) signage in place, which created a ring around Greater London. They argued that the Secretary of State had authorised such an arrangement and adduced in evidence two authorisations made by the Secretary of State. The Authority argued that section 65 of the Road Traffic Regulations 1984 permitted such a scheme, releasing them from signing each and every restricted road. The authorisations provided for erection of signs at specific places.

The Adjudicator held that in principle such a scheme might adequately sign the restrictions, but that the Authority had not adduced all of the approvals necessary to show that a zone had in fact been created.

Continued...

**RECENT KEY CASES – PARKING ADJUDICATORS
LORRY BANS (continued)**

Further, the Adjudicator expressed some concern that as the Enforcing Authority had conceded only “98% coverage” of signage - without defining what that actually meant - the zone was in all likelihood incomplete. Therefore, it remained open to an Adjudicator when considering any appeal in future, to consider whether signage was adequate. The Adjudicator reminded the local authority that the burden of proving adequacy remained firmly on the Enforcing Authority. In view of the concession of only 98% coverage, any future Adjudicator may well require evidence that works had been done to remedy the incomplete signage, require a map to be adduced, and all other authorisations to show that the zone had been created. Further, although the Enforcing Authority may show that the signs were placed in the spot authorised by the Secretary of State, this would not absolve the Enforcing Authority of showing that each and every sign was adequate. The Adjudicator noted that the Enforcing Authority had made no reference to signing the exit points to show the commencement of the unrestricted roads.

Finally the Adjudicator indicated that as drivers and operators are required to plan their routes in advance, and as the Enforcing Authority had not adduced in evidence any source of public information to enable advanced planning, the Adjudicator may be reluctant for the Enforcing Authority to enforce a Penalty Charge Notice based on a failure to plan a route where such information is not publicly available.

The appeals were allowed: the Enforcing Authority conceding that signage was not adequate in two of the four appeals; in respect of the remaining two the Adjudicator was not satisfied that the Enforcing Authority had shown the signage to be adequate.