



## SUBMISSION OF EVIDENCE ON DVD

When submitting video evidence in DVD format there are a number of issues which affect the Adjudicator's ability to view this on our existing equipment. We produce below some useful advice for both local authorities and appellants who are considering the submission of evidence in this way.

Writeable DVD's come in a number of different formats. At the simplest level they all store data, but there are small differences between how they do this.

DVD-R – Supported by Panasonic, Toshiba, Apple Computer, Hitachi, NEC, Pioneer, Samsung and Sharp.

DVD+R – Supported by Philips, Sony, Hewlett-Packard, Dell, Ricoh, Yamaha and others.

These formats support a single write only. Once a user has filled the disc with data, it cannot be overwritten and replaced with other data.

DVD-RW – The Re-Writeable equivalent of DVD-R

DVD+RW – The Re-Writeable equivalent of DVD+R

These formats support multiple writes. Discs can be overwritten and replaced with other data.

Most DVD recorders now support both writeable and re-writeable media of both types. For most operations all types work exactly the same.

Both standards work correctly on all drives most of the time, but there are certain issues which cause problems in specific cases.

One of these differences is when creating DVDs to store video for DVD players. The standard for commercial DVDs is for two folders to be located on the DVD, VIDEO\_TS (for video files) and AUDIO\_TS (for audio files, but rarely used).

Certain manufacturers of DVD recorders also create a VIDEO\_RM folder. In theory, this folder is supposed to be ignored by other DVD players; however, the problem with the discs produced by these recorders is that they don't fully conform to DVD standards. This can cause the disc to play incorrectly within certain applications. The most common manufacturers of recorders to create this folder are Philips and Sony.

It is a known issue that DVDs with the VIDEO\_RM folder do not play correctly in Windows Media Player, Windows Media Center and ULEAD VideoStudio 9. Other PC based DVD playing solutions may also be affected.

Fortunately, there are a number of ways that this can be resolved.

If the DVD is being created by a recorder manufactured by a company that creates the VIDEO\_RM folder, it will only be added to the DVD if the user uses DVD+R or DVD+RW media. As long as the recorder supports the use of DVD-R or DVD-RW media, it will generate the DVD correctly when used in conjunction with these media types.

It is therefore recommended that only DVD-R or DVD-RW media is used in the creation of DVD's for use on home DVD players as well as computers, irrespective of the manufacturer of the recorder.

# TRAFFIC MANAGEMENT ACT 2004

As many readers will be aware, those parts of the Traffic Management Act 2004 ('TMA 2004') relating to decriminalised parking enforcement and the supplementary regulations came into force for parking contraventions (including clamp & remove) with effect from Monday 31<sup>st</sup> March 2008.

The PATAS web site has been updated to reflect these changes. Because the Act changed the rules and terminology, visitors to the site are now asked to identify early on whether the alleged contravention occurred on or after 31<sup>st</sup> March 2008 or before this date. Depending on this date, distinct areas of the site have been established to provide procedural advice.

Because the procedures are different for contraventions alleged under the TMA 2004, Enforcement Authorities should ensure that the correct version of the Notice of Appeal is issued to appellants when serving Notices of Rejection.

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## PRACTICE GUIDE TO THE PARKING AND TRAFFIC ADJUDICATORS AT THE PARKING AND TRAFFIC APPEALS SERVICE (PATAS)

Enforcement Authorities will be familiar with the green *Guide to the Parking Appeals Service* issued in 1996 in the early days of decriminalised parking enforcement which set out the Service's standard forms and procedures. Replacement of the guide is long overdue.

We will shortly be issuing a new *Practice Guide to the Parking and Traffic Adjudicators at the Parking and Traffic Appeals Service*. The purpose of the new Guide is to provide practice guidance for Enforcement Authorities and other Service users to supplement the procedural regulations that govern appeals.

The Guide will be available on our website.

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## WEB SITE ENHANCEMENTS

PATAS now publishes lists of all personal hearings due to take place at the Hearing Centre at New Zealand House in central London .

The list covers a period of 8 working days from Friday to the following Saturday and is normally updated on a weekly basis.

The site now also provides information on when decisions are likely to be made in postal cases. The tribunal receives in excess of 70,000 appeals a year with around 75% of these decided on a postal basis. Information on when a decision in a postal case is likely to be issued can be found on the site and this is updated on a weekly basis.

# PATAS MOVE

PATAS will be moving from its present offices and hearing centre to a new central London location in early 2009.

A project is underway to plan and implement the move and further details will be advised to Service users over the coming months.

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## **'OFFICIAL USE' BOX ON NOTICE OF APPEAL FORM**

In accordance with the circular issued by the Chief Parking and Traffic Adjudicator in April 2008, Enforcement Authorities are reminded to ensure that the 'official use' box on appeal application forms is completed clearly and unambiguously.

In particular, it is essential that the correct date on which the Notice of Rejection was issued is entered in this box. There have been a number of instances recently where the date of the contravention has been entered in this box and this causes unnecessary inconvenience and delay to all concerned.

In cases relating to Penalty Charge Notices (PCNs) issued under the TMA 2004, authorities are also required to indicate whether the PCN was issued on street or by post.

Appellants are also reminded that they should not add PCN numbers in this box and should use the form issued by the Enforcement Authority with the Notice of Rejection for the PCN being challenged.

# Parking appeal statistics: October 2007- March 2008

Parking and Traffic  
Appeals Service

	REC'D	STAT DEC REC'D	ALLOWED	OF WHICH DNC	REFUSED	OF WHICH W'DRAWN	TOTAL SEALED	% ALLOWED INC. DNC	% DNC
<b>Barking and Dagenham</b>	165	0	111	30	51	0	162	69%	19%
<b>Barnet</b>	460	17	178	64	196	4	374	48%	17%
<b>Bexley</b>	322	9	141	48	155	1	296	48%	16%
<b>Brent</b>	529	45	190	68	205	2	395	48%	17%
<b>Bromley</b>	396	41	156	55	191	2	347	45%	16%
<b>Camden</b>	1451	69	691	369	535	1	1226	56%	30%
<b>City of London</b>	591	0	292	134	147	2	439	67%	31%
<b>Croydon</b>	386	15	168	24	218	0	386	44%	6%
<b>Ealing</b>	954	141	550	308	334	4	884	62%	35%
<b>Enfield</b>	222	41	66	12	103	0	169	39%	7%
<b>Greenwich</b>	197	0	58	13	119	1	177	33%	7%
<b>Hackney</b>	1036	0	803	528	157	2	960	84%	55%
<b>Hammersmith &amp; Fulham</b>	531	53	307	186	222	3	529	58%	35%
<b>Haringey</b>	532	1	353	197	135	1	488	72%	40%
<b>Harrow</b>	335	24	165	8	129	4	294	56%	3%
<b>Havering</b>	212	0	168	110	25	0	193	87%	57%
<b>Hillingdon</b>	153	3	87	67	43	0	130	67%	52%
<b>Hounslow</b>	951	19	455	274	268	5	723	63%	38%
<b>Islington</b>	615	43	374	177	167	10	541	69%	33%
<b>Kensington and Chelsea</b>	991	164	731	380	341	3	1072	68%	35%
<b>Kingston Upon Thames</b>	172	11	54	10	113	2	167	32%	6%
<b>Lambeth</b>	1227	0	990	494	276	12	1266	78%	39%
<b>Lewisham</b>	256	9	133	10	193	3	326	41%	3%
<b>Merton</b>	279	20	167	76	97	0	264	63%	29%
<b>Newham</b>	557	77	305	180	195	2	500	61%	36%
<b>Redbridge</b>	359	37	153	55	199	1	352	43%	16%
<b>Richmond Upon Thames</b>	287	33	146	59	104	3	250	58%	24%
<b>Southwark</b>	1265	0	962	382	95	1	1057	91%	36%
<b>Sutton</b>	69	4	55	27	55	1	110	50%	25%
<b>Tower Hamlets</b>	456	5	251	99	119	2	370	68%	27%
<b>Transport for London</b>	2877	7	1336	653	946	12	2282	59%	29%
<b>Waltham Forest</b>	246	54	194	36	125	2	319	61%	11%
<b>Wandsworth</b>	390	56	163	83	142	0	305	53%	27%
<b>Westminster</b>	11565	448	8960	6950	546	30	9506	94%	73%
<b>TOTALS :</b>	<b>31034</b>	<b>1446</b>	<b>19913</b>	<b>12166</b>	<b>6946</b>	<b>116</b>	<b>26859</b>	<b>74%</b>	<b>45%</b>

# Bus lane & London lorry ban appeal statistics October 2007- March 2008

Parking and Traffic  
Appeals Service

Bus lane	REC'D	STAT DEC REC'D	ALLOWED	OF WHICH DNC	REFUSED	OF WHICH W'DRAWN	TOTAL SEALED	% ALLOWED INC. DNC	% DNC
<b>Barking and Dagenham</b>	23	0	16	3	13	0	29	55%	10%
<b>Barnet</b>	88	6	28	14	42	0	70	40%	20%
<b>Bexley</b>	0	1	0	0	0	0	0	N/A	N/A
<b>Brent</b>	25	1	6	1	9	0	15	40%	7%
<b>Bromley</b>	7	9	0	0	6	0	6	0%	0%
<b>Camden</b>	15	0	10	7	7	0	17	59%	41%
<b>Croydon</b>	0	0	0	0	1	0	1	0%	0%
<b>Ealing</b>	42	16	26	13	27	0	53	49%	25%
<b>Hackney</b>	13	0	12	6	1	0	13	92%	46%
<b>Hammersmith &amp; Fulham</b>	9	0	6	2	6	0	12	50%	17%
<b>Haringey</b>	17	0	12	6	3	0	15	80%	40%
<b>Harrow</b>	13	6	8	0	6	0	14	57%	0%
<b>Hillingdon</b>	5	0	1	1	3	0	4	25%	25%
<b>Islington</b>	20	1	13	7	15	0	28	46%	25%
<b>Kingston Upon Thames</b>	1	0	1	0	3	0	4	25%	0%
<b>Lambeth</b>	45	0	31	11	16	0	47	66%	23%
<b>Lewisham</b>	16	2	8	0	14	0	22	36%	0%
<b>Merton</b>	23	2	9	3	11	0	20	45%	15%
<b>Newham</b>	31	9	25	10	27	0	52	48%	19%
<b>Richmond Upon Thames</b>	31	4	17	3	17	0	34	50%	9%
<b>Tower Hamlets</b>	15	0	14	4	6	0	20	70%	20%
<b>Transport for London</b>	111	1	53	15	74	0	127	42%	12%
<b>Waltham Forest</b>	3	5	7	3	1	0	8	88%	38%
<b>Wandsworth</b>	2	2	1	1	2	0	3	33%	33%
<b>TOTALS :</b>	<b>555</b>	<b>65</b>	<b>304</b>	<b>110</b>	<b>310</b>	<b>0</b>	<b>614</b>	<b>50%</b>	<b>18%</b>

London lorry ban	REC'D	STAT DEC REC'D	ALLOWED	OF WHICH DNC	REFUSED	OF WHICH W'DRAWN	TOTAL SEALED	% ALLOWED INC. DNC	% DNC
<b>London Councils TEC</b>	<b>18</b>	<b>0</b>	<b>14</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>16</b>	<b>88%</b>	<b>50%</b>

# Moving traffic & congestion charging statistics October 2007 - March 2008

<b>MOVING TRAFFIC</b>	<b>REC'D</b>	<b>STAT DEC REC'D</b>	<b>ALLOWED</b>	<b>OF WHICH DNC</b>	<b>REFUSED</b>	<b>OF WHICH W'DRAWN</b>	<b>TOTAL SEALED</b>	<b>% ALLOWED INC. DNC</b>	<b>% DNC</b>
Camden	498	14	193	133	159	2	352	55%	38%
City of London	29	0	23	14	2	0	25	92%	56%
Croydon	28	0	5	3	26	0	31	16%	10%
Ealing	249	32	153	83	120	2	273	56%	30%
Hackney	148	0	140	79	53	1	193	73%	41%
Hammersmith & Fulham	78	1	24	4	63	1	87	28%	5%
Haringey	109	0	31	10	47	0	78	40%	13%
Harrow	96	0	72	4	18	0	90	80%	4%
Hillingdon	30	0	27	24	3	0	30	90%	80%
Islington	125	3	68	19	76	2	144	47%	13%
Lambeth	263	0	245	68	60	2	305	80%	22%
Newham	79	11	28	11	43	1	71	39%	15%
Southwark	61	0	53	23	6	0	59	90%	39%
Tower Hamlets	10	0	8	4	4	0	12	67%	33%
Transport for London	716	4	372	159	300	3	672	55%	24%
Waltham Forest	61	4	50	28	22	0	72	69%	39%
Wandsworth	50	7	15	5	29	0	44	34%	11%
Westminster	134	0	99	69	4	1	103	96%	67%
<b>TOTALS :</b>	<b>2764</b>	<b>76</b>	<b>1606</b>	<b>740</b>	<b>1035</b>	<b>15</b>	<b>2641</b>	<b>61%</b>	<b>28%</b>

## CONGESTION CHARGING

	<b>REC'D</b>	<b>STAT DEC REC'D</b>	<b>ALLOWED</b>	<b>OF WHICH DNC</b>	<b>REFUSED</b>	<b>OF WHICH W'DRAWN</b>	<b>TOTAL SEALED</b>	<b>% ALLOWED INC. DNC</b>	<b>% DNC</b>
Transport for London	6145	830	2912	2479	3520	69	6432	45%	39%

## CONGESTION CLAMP & REMOVE

	<b>REC'D</b>	<b>STAT DEC REC'D</b>	<b>ALLOWED</b>	<b>OF WHICH DNC</b>	<b>REFUSED</b>	<b>OF WHICH W'DRAWN</b>	<b>TOTAL SEALED</b>	<b>% ALLOWED INC. DNC</b>	<b>% DNC</b>
Transport for London	5	0	1	0	4	0	5	N/A	N/A

# All appeals (excl. congestion charging) statistics October 2007 – March 2008

	REC'D	STAT DEC REC'D	ALLOWED	OF WHICH DNC	REFUSED	OF WHICH W'DRAWN	TOTAL SEALED	% ALLOWED INC. DNC	% DNC
<b>Barking and Dagenham</b>	188	0	127	33	64	0	191	66%	17%
<b>Barnet</b>	548	23	206	78	238	4	444	46%	18%
<b>Bexley</b>	322	10	141	48	155	1	296	48%	16%
<b>Brent</b>	554	46	196	69	214	2	410	48%	17%
<b>Bromley</b>	403	50	156	55	197	2	353	44%	16%
<b>Camden</b>	1964	83	894	509	701	3	1595	56%	32%
<b>City of London</b>	620	0	315	148	149	2	464	68%	32%
<b>Croydon</b>	414	15	173	27	245	0	418	41%	6%
<b>Ealing</b>	1245	189	729	404	481	6	1210	60%	33%
<b>Enfield</b>	222	41	66	12	103	0	169	39%	7%
<b>Greenwich</b>	197	0	58	13	119	1	177	33%	7%
<b>Hackney</b>	1197	0	955	613	211	3	1166	82%	53%
<b>Hammersmith &amp; Fulham</b>	618	54	337	192	291	4	628	54%	31%
<b>Haringey</b>	658	1	396	213	185	1	581	68%	37%
<b>Harrow</b>	444	30	245	12	153	4	398	62%	3%
<b>Havering</b>	212	0	168	110	25	0	193	87%	57%
<b>Hillingdon</b>	188	3	115	92	49	0	164	70%	56%
<b>Hounslow</b>	951	19	455	274	268	5	723	63%	38%
<b>Islington</b>	760	47	455	203	258	12	713	64%	28%
<b>Kensington and Chelsea</b>	991	164	731	380	341	3	1072	68%	35%
<b>Kingston Upon Thames</b>	173	11	55	10	116	2	171	32%	6%
<b>Lambeth</b>	1535	0	1266	573	352	14	1618	78%	35%
<b>Lewisham</b>	272	11	141	10	207	3	348	41%	3%
<b>Merton</b>	302	22	176	79	108	0	284	62%	28%
<b>Newham</b>	667	97	358	201	265	3	623	57%	32%
<b>Redbridge</b>	359	37	153	55	199	1	352	43%	16%
<b>Richmond Upon Thames</b>	318	37	163	62	121	3	284	57%	22%
<b>Southwark</b>	1326	0	1015	405	101	1	1116	91%	36%
<b>Sutton</b>	69	4	55	27	55	1	110	50%	25%
<b>Tower Hamlets</b>	481	5	273	107	129	2	402	68%	27%
<b>Transport for London</b>	3704	12	1761	827	1320	15	3081	57%	27%
<b>Waltham Forest</b>	310	63	251	67	148	2	399	63%	17%
<b>Wandsworth</b>	442	65	179	89	173	0	352	51%	25%
<b>Westminster</b>	11699	448	9059	7019	550	31	9609	94%	73%
<b>London Councils TEC</b>	18	0	14	8	2	2	16	88%	50%
<b>TOTALS :</b>	<b>34371</b>	<b>1587</b>	<b>21837</b>	<b>13024</b>	<b>8293</b>	<b>133</b>	<b>30130</b>	<b>72%</b>	<b>43%</b>

### NOTICE OF REJECTION NON COMPLIANT

#### Euroway Vehicle Contracts Ltd v Royal Borough of Kensington and Chelsea

Case no.: 2070247503

PCN number: KE01832943

The Appellant contended that the Notice of Rejection did not comply with the legal requirements as to content prescribed by the Road Traffic Act 1991. The Notice of Rejection stated in the final paragraph that payment or an appeal must be made within 28 days of the date of the letter. Two thirds of the way down page 2 it said that the appeal must be made within 33 days of the date of the letter. The Appellant pointed to the inconsistency between these and contended that neither was correct since the period prescribed by the Road Traffic Act 1991 was 28 days from service of the Notice of Rejection.

The Appellant contended that the Notice of Rejection therefore failed to correctly state the period, as the Road Traffic Act 1991 required it to do; and accordingly that the penalty was unenforceable, citing *R (Barnet) v The Parking Adjudicator* 2006 EWHC 2357 (Admin) and *Lukha v Aylesbury Vale DC* (NPAS Case No. AY05003B). It contended that whether or not the Appellant suffered prejudice was irrelevant: paragraph number 41 of the judgment in the Barnet case.

The Adjudicator accepted the Appellant's contentions. The Notice of Rejection, confusingly, stated two periods; yet neither was correct. The notice plainly failed to meet the statutory requirements. The Notice was not a valid Notice of Rejection.

On the issue of prejudice, Mr Justice Jackson in the Barnet case said as follows.

*"Prejudice is irrelevant and does not have to be established. The 1991 Act creates a scheme for the civil enforcement of parking control. Under this scheme motorists become liable to pay financial penalties if certain specified statutory conditions are met. If the statutory conditions are not met then the financial liability does not arise."*

The Adjudicator found that the financial liability, the penalty, did not arise in this case.

The Adjudicator added the following. Local authorities had had a succession of warnings in a number of cases going back many years about the need to comply with the statutory requirements, culminating in the High Court's decision in the Barnet case. It was really quite astonishing and reprehensible that despite this some local authorities still failed to get their documentation in order. This resulted in the time of this tribunal being taken up quite unnecessarily in dealing with such technical matters. But more than that, it meant that motorists who had in fact breached the parking controls, in many cases quite deliberately flouting the law, were escaping liability for their actions.

The Adjudicator did not say necessarily in this one as they did not make a decision on the merits of the particular circumstances, but in many. This was a most unsatisfactory state of affairs for which the responsibility lay with the local authorities concerned. It was high time they got their house in order.

## Key cases

### PCN; COMPLIANCE WITH REQUIREMENTS AS TO FORM; STATEMENT OF GROUNDS ON WHICH PARKING ATTENDANT BELIEVED PENALTY PAYABLE

#### Keystone Distribution v City of Westminster

Case number: 2070217513      PCN number: WM27903335

The Appellant's representative ('the Appellant') contended that the Penalty Charge Notice (PCN) did not comply with the statutory requirements and that the contravention did not occur.

As to the first issue, the Appellant claimed that the PCN did not comply with the requirements of section 66(3)(a) of the *Road Traffic Act 1991* and was unenforceable. Section 66(3)(a) required the PCN to state '*the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle*'. The PCN in this case said that the parking attendant '*had reasonable cause to believe that the following contravention occurred*', and then stated the alleged contravention.

The Appellant referred to section (66)(1), and argued that this empowered a parking attendant to issue a PCN where he had '*reason to believe*' that a penalty was payable. The PCN was therefore not compliant because it stated that the parking attendant '*had reasonable cause to believe*'. The Appellant cited no authority for this proposition. The Adjudicator did not see that there was anything in the natural meaning of the two phrases that imported the distinction the Appellant had suggested.

In the Adjudicator's view, the issue was whether the PCN complied with the requirement to state '*the grounds on which the parking attendant believes that a penalty charge is payable*'. It did so and was compliant.

The Adjudicator also found that the contravention occurred.

The appeal was refused.

### BOX JUNCTION; LEGALITY OF ROAD MARKINGS

#### Leslie Dennis Newman v Transport for London

Case no.: 2080084744

PCN number: GT23783119

The Appellant argued that the box junction road marking did not comply with diagram 1043 in the Traffic Signs Regulations 2002 in two respects.

First, he said that the diagram prescribed that the cross-hatched markings must be marked at 90 degrees to each other. The Adjudicator rejected this submission. To the naked eye it may have been that the markings in the diagram are at 90 degrees to each other, although the Adjudicator had not applied a protractor to the angles nor had he considered it appropriate to do so. If the draftsman had wished to prescribe that the angle must be 90 degrees, he would in the Adjudicator's view have expressly indicated as much by marking that angle on the diagram. There were other dimensions marked on the diagram, including angles; and throughout the Regulations dimensions were expressly marked on many of the diagrams.

It was true that the Traffic Signs Manual Chapter 5 2003 at page 79, in providing an illustration to assist local authorities in setting out the marking, showed an angle of 90 degrees. The Traffic Signs Manual, however, was not the law; it was merely advice to assist local authorities in the correct use of signs and road markings. The legal position was as the Adjudicator had described: that the Regulations did not prescribe 90 degrees.

The marking in this case plainly presented as a cross-hatched area. The Appellant argued that the marking was confusing. The Adjudicator did not agree. No one could have been in any doubt that the marking was of a box junction, and the Adjudicator did not believe that the Appellant was in doubt about it.

The Appellant's second point was that the marking was incomplete. The Adjudicator took him to be referring to what appeared to be a short break in one of the cross-hatch lines where there was a manhole cover and surrounding marking good. This did not affect the overall picture of the box and could not possibly have misled anyone.

The Adjudicator was accordingly satisfied that the marking complied with the statutory requirements.

As to this incident, the facts were that the Appellant's vehicle did stop in the box junction due to the presence of stationary vehicles. His vehicle simply followed a white van into the junction. The white van stopped just beyond the junction and the Appellant's vehicle came to a halt behind it. It was therefore clear that the contravention occurred.

The Appellant put forward mitigation, related to the circumstances in which he said he came to commit the contravention. Mitigation was not a ground on which the Adjudicator could allow an appeal. In any event, the Adjudicator did not consider there were mitigating circumstances. The whole point of the prohibition was that motorists should not enter the junction in anticipation of the traffic ahead keeping moving and so being able to clear it without stopping. Motorists should not enter the junction unless their exit was clear and therefore they would be able to clear the junction without stopping. In fact, it was not the case, as the Appellant contended, that a bus pulled out into the passing lane causing the white van to brake sharply. The bus had already stopped before the Appellant entered the junction; he simply followed the white van across it.

The Adjudicator refused the appeal.