

NORTH LINCOLNSHIRE COUNCIL

**HIGHWAYS AND PLANNING
CABINET MEMBER**

**DECRIMINALISATION (CIVIL PARKING ENFORCEMENT)
ADJUDICATION**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To seek Cabinet Member nomination of a member representative and substitute representative to serve on the Traffic Penalty Tribunal Joint Committee.

2. BACKGROUND INFORMATION

- 2.1 In July 2006, the then Cabinet considered a report (Min 580 refers), which gave approval for proposals for the Decriminalisation of Parking Enforcement (herein after to be referred to as Civil Parking Enforcement or CPE) in North Lincolnshire to be progressed. The effect of CPE will be to make the council responsible for the enforcement of parking both on and off street, whereas at present the council only enforces its off street pay and display and pay on foot car parks. Under the proposals the council will take over on street enforcement of non-endorsable offences from Humberside Police.
- 2.2 Preparations for the adoption of CPE in North Lincolnshire are progressing and, as part of that process, the council needs to join the Traffic Penalty Tribunal (formerly known as the National Parking Adjudication Service). This is an independent tribunal whose impartial, independent adjudicators consider appeals by motorists against parking penalties issued by Civil Enforcement Authorities in England and Wales. In joining this organisation, each council has to formally nominate a representative and substitute representative (council members). The representative would be required to attend two Joint Committee meetings per year (January and June) and other ad-hoc meetings as necessary.

3. OPTIONS FOR CONSIDERATION

- 3.1 Who to nominate to be a member representative and substitute representative to serve on the Joint Committee of the Traffic Penalty Tribunal.

4. ANALYSIS OF OPTIONS

- 4.1 It is a requirement that all member authorities joining the Traffic Penalty Tribunal nominate a representative and sub representative, who should be members of the council.
- 4.2 Failure to nominate representatives will result in the council not being able to join the Traffic Penalty Tribunal, and therefore be unable to fulfil its' legal responsibilities under the Traffic Management Act 2004.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 There is no annual fee to join the Traffic Penalty Tribunal. They operate on a cost sharing/charging arrangement for their services, which is reviewed on an annual basis by the Joint Committee. Current costs are 55p per penalty charge notice issued. This will equate to £5,280 per year if we issue the anticipated 9,600 notices.
- 5.2 Work associated with using the services of the Traffic Penalty Tribunal has been taken into account within the new staffing structure.
- 5.2 The majority of appeals to the Tribunal will be dealt with on a postal basis, however appellants may request a personal hearing if they wish. It is therefore necessary for the council to source a suitable venue from where hearings can take place in North Lincolnshire. This cannot, however, be a council owned/run building, for the purposes of neutrality.
- 5.3 The newly procured IT system will be capable of sending evidence electronically to the Traffic Penalty Tribunal.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 6.1 Once the council adopts CPE powers, there is a legal responsibility under the Traffic Management Act 2004 to join the Traffic Penalty Tribunal.
- 6.2 There are no environmental implications to this report.
- 6.3 A Stage 1 diversity impact assessment has been carried out and is available for inspection in the Safer Roads Team.

6.4 There are no Crime and Disorder implications to this report.

7. **OUTCOMES OF CONSULTATION**

7.1 There is no requirement to consult with the public on this matter.

8. **RECOMMENDATIONS**

8.1 The Cabinet Member nominates Councillor Mashook Ali (Lead Member for Transport) to serve as the council's Member representative on the Joint Committee of the Traffic Penalty Tribunal. Councillor Bernard Regan to deputise, as required.

SERVICE DIRECTOR HIGHWAYS AND PLANNING

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Background Papers used in the preparation of this report:

Correspondence from the National Parking Adjudication Service (former name of the Traffic Penalty Tribunal)