

## CABINET MEETING – 16<sup>TH</sup> APRIL 2008

### EXECUTIVE SUMMARY SHEET

**Title of Report:**

Traffic Penalty Tribunal Joint Committee

**Author(s):**

Director of Development and Regeneration and the City Solicitor

**Purpose of Report:**

To inform Cabinet of the requirement to enter into an agreement with the new Traffic Penalty Tribunal Joint Committee under the new powers associated with the Traffic Management Act 2004.

**Description of Decision:**

Cabinet is RECOMMENDED to;

- i) agree that the Council enters a new agreement with the Traffic Penalty Tribunal Joint Committee.
- ii) nominate members to sit on the Traffic Penalty Tribunal Joint Committee.

**Is the decision consistent with the Budget/Policy Framework?**

Yes

**If not, Council approval is required to change the Budget/Policy Framework**

**Suggested reason(s) for Decision:**

The reasons for the decision is to ensure continuation of the Adjudication Service that allows motorists who wish to appeal to an independent body against the issue of a Penalty Charge Notice the opportunity to do so.

**Alternative options to be considered and recommended to be rejected:**

There are no alternative options recommended.

**Is this a “Key Decision” as defined in the Constitution?**

No

**Is it included in the Forward Plan?**

No

**Relevant Review Committee:**

Environmental and Planning

**TRAFFIC PENALTY TRIBUNAL JOINT COMMITTEE**

**Report by the Director of Development and Regeneration and the City Solicitor**

**1.0 PURPOSE OF REPORT**

- 1.1 To inform Cabinet of the requirement to enter into an agreement with the Traffic Penalty Tribunal Joint Committee under the new powers associated with the Traffic Management Act(TMA) 2004.

**2.0 DESCRIPTION OF DECISION**

- 2.1 Cabinet is RECOMMENDED to;
- i) Agree that the Council enters into a new agreement with the Traffic Penalty Tribunal Joint Committee.
  - ii) nominate member representatives to sit on the Traffic Penalty Tribunal Joint Committee.

**3.0 BACKGROUND**

- 3.1 When decriminalised parking was introduced in Sunderland in February 2003 in order to use the independent Adjudication Service the Council was required to enter into an agreement with the National Parking Adjudication Service Joint Committee (NPASJC).
- 3.2 The Adjudication Service operates as a joint Committee under S101 of the Local Government Act 1972, and as such an elected Member, to formally represent the Council at the Joint Committee meetings, is required. At the meeting held on 6<sup>th</sup> November 2002 Cabinet agreed to enter into an agreement with the NPASJC and nominated an elected Member to represent the Council at Committee meetings and also identified a substitute Member.

**4.0 REQUIREMENT TO REJOIN THE JOINT COMMITTEE**

- 4.1 Manchester City Council (the lead authority) wrote to all relevant Authorities on 8<sup>th</sup> April. Following discussions with the Department for Transport and leading Counsel they have advised that as a result of the implementation of Part 6 of the Traffic Management Act (TMA 2004), it is necessary for all existing members of the NPASJC to rejoin and become members of the new Adjudication Service. (The TMA 2004 regulations do not have a provision enabling Councils deriving their parking enforcement powers under the Act to become party to the

existing Joint Committee agreement). Under the TMA 2004 the National Parking Adjudication Service has been renamed the Traffic Penalty Tribunal(TPT) therefore the new Joint Committee will be known as the Traffic Penalty Tribunal Joint Committee (TPTJC).

- 4.2 There is a requirement to nominate a Member and a substitute Member to sit on the new Joint Committee.
- 4.3 This matter is urgent since Manchester City Council has the logistical difficulty of organising completion of the agreement by many authorities before mid-May 2008, and requires confirmation of each Councils intention by 15 April.

## **5.0 REASONS FOR THE DECISION**

- 5.1 The reasons for the decision is to ensure continuation of the Adjudication Service that allows motorists who wish to appeal to an independent body against the issue of a Penalty Charge Notice the opportunity to do so.

## **6.0 ALTERNATIVE OPTIONS**

- 6.1 There are no alternative options recommended.

## **7.0 FINANCIAL IMPLICATIONS**

- 7.1 The tribunal is funded through a flat rate levy on penalty charge notices issued and there are no other financial implications associated with becoming a member of the TPTJC except incurred travelling expenses which can be accommodated within current cash limited budgets.

### **Background papers**

- i) Letter (only) of 8 April 2008 from Manchester City Council.
- ii) Cabinet report dated 6<sup>th</sup> November 2002