



**Traffic Penalty  
Tribunal**  
England and Wales

# Annual Report

## 2022-23



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# Background

**The Traffic Penalty Tribunal (TPT) decides motorists' appeals against Penalty Charge Notices (PCNs), issued by local authorities and charging authorities in England (outside London) and Wales, for traffic contraventions.**

This includes appeals against PCNs issued by over 300 local authorities in England and Wales for **parking, bus lane** and **moving traffic** contraventions, as well as for **Clean Air Zones** and **littering from vehicles** (England only).

The TPT also decides appeals against penalties from other road user charging schemes in England, including the Dartford-Thurrock River Crossing (**'Dart Charge'**) and the Mersey Gateway and Silver Jubilee Bridge Crossings (**'Merseyflow'**).

Appeals to the TPT are decided by 24 part-time Adjudicators: all wholly independent lawyers, whose appointments are subject to the Lord Chancellor's consent. The Chief Adjudicator is Caroline Hamilton. The Adjudicators are supported by a small team of administrative staff.

The independent TPT is funded by a Joint Committee of the 300+ local authorities and charging authorities that enforce the traffic restrictions (Parking and Traffic Regulations Outside London [PATROL]). These authorities are fulfilling a statutory duty to make provision for independent adjudication against the civil enforcement penalties they issue.

- The TPT decides appeals against ~30,000 PCNs each year.
- 80% of appeals are completed fully online, with attendance hearings (via telephone or video) available, if necessary.
- Appellants unable to get online receive Assisted Digital support by phone, Live Chat or post for appeals to be completed 'by proxy'.
- 50% of cases are completed within 14 days, with over 70% within 28 days.



## Chief Adjudicator's Foreword

Caroline Hamilton

I was appointed Chief Adjudicator at the Traffic Penalty Tribunal (TPT) in June 2022 and have now been in post for almost a year. This annual report covers the period running from April 2022 to March 2023.

It has been a busy and productive period for the Tribunal and the adjudicators' report not only provides an insight into the volume and type of work completed, but also serves to update the Joint Committee and appraise readers of some of the achievements and initiatives put in place in the reporting year.

Coming from my role as Chief Adjudicator at London Tribunals, I was very familiar with the work of the adjudicators at the TPT. As a group, adjudicators acknowledge the benefits that each tribunal inherited from the dedicated focus and insights that my predecessor, Caroline Sheppard OBE, as founder and Chief of each Tribunal in turn, contributed to the tribunal systems generally, parking and traffic appeals in particular and the work and ethos of the independent adjudicators during her tenures. An article outlining Caroline Sheppard's achievements can be found at Page 21 of this report.

### Appraisal

My first task on appointment was, of course, to meet the independent adjudicators, the impartial office holders charged with determining appeals brought by motorists

in England (outside London) and Wales. The adjudicators at the TPT, all part-time, fee-paid lawyers, are well established and experienced, working at a high level of specialism and expertise. Appraisals of their work and skills included discussions on the function of the administrative tribunal, generally, the application of the law and the use of the digital case management system.

This exercise was undertaken throughout August 2022 and completed in September 2022 (see Page 19 of this report). Feedback on our work is always welcome, allowing all adjudicators an opportunity to reflect, learn and develop.

### Training

Once our appraisal discussions were complete, we were able to put an informed annual training programme in place, providing the cohort of adjudicators with the opportunity of sharing case management processes with colleagues, while hearing and contributing to presentations on best practice, tribunal skills and the function of the independent, impartial adjudicator. The training event took place in Manchester on 8 December 2022 and was well attended by adjudicators (see Page 19 of this report).

### Cross-deployment – "one tribunal"

Adjudicators at the Traffic Penalty Tribunal and at London Tribunals have always adopted a collegiate approach, and coming from London Tribunals I have been keen to work towards the further harmonisation and strengthening of our links and working practices. To that end, nine London adjudicators were cross-deployed to the TPT, allowing judicial experience and expertise to be further shared. The joint aim of each (albeit currently separate) Tribunal is to provide an accessible, cohesive and consistent application of the regulations and law governing the appeal process – to the benefit of our users – that working together can only promote. A list of the adjudicators, including the cross-deployed adjudicators, appears at Page 20 of this report.

## Key cases website

To promote our joint aims, the TPT is creating a 'key cases' website (see Page 15), which is aimed at providing a go-to online destination for traffic enforcement cases and information serving to advise and clarify the law and issues that frequently confuse or perplex motorists and tribunal users in and out of London. The expectation is that the new website will allow users to benefit from consistent advice and information, putting an end to appeals based on mistaken beliefs gleaned from inaccurate, if well-meaning, reports published by newspapers and appearing on public websites.

## Appeal numbers

Appeal statistics are provided at Page 6 of the report, illustrating the type of appeals undertaken by the TPT adjudicators and providing a transparent view of our efficiency and application to our work.

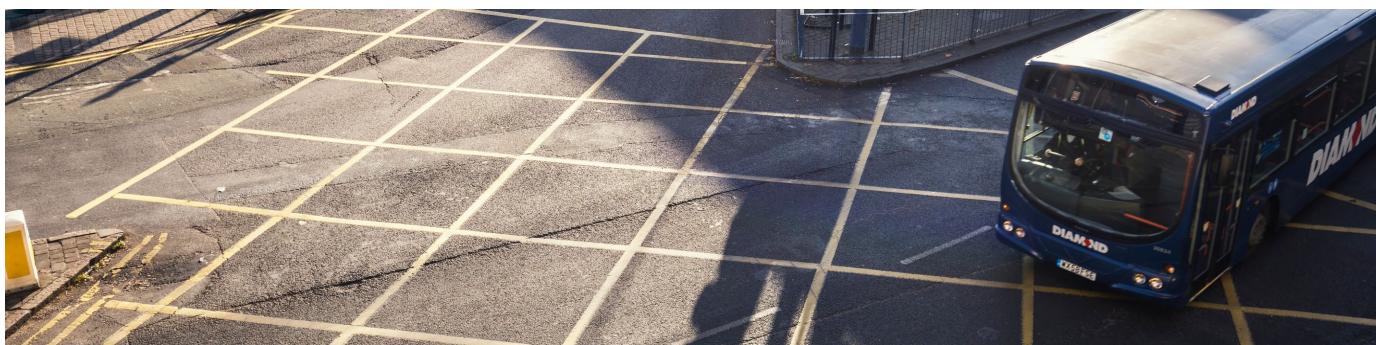
Tribunal users are entitled to the swift delivery of justice and I am committed to ensuring that appeals are determined justly, efficiently and consistently by the adjudicators charged with carrying out their independent and impartial judicial function.

The independent adjudicators are tasked with making all judicial decisions, but playing a crucial role in access to justice and the effectiveness of the tribunal is the operational partnership between the judicial decision makers and the dedicated administrative arm of the TPT. The united commitment to the work of the tribunal we enjoy at the Traffic Penalty Tribunal contributes to its quality and function, allowing our users to benefit from a competent and efficient jurisdiction.

Maintaining and developing high standards is the shared aim of adjudicators at the TPT and I am pleased to present our 2022–2023 Annual Report to the Joint Committee.

**Caroline Hamilton**  
**June 2023**





# 1. Workload

## 1.1 New schemes

The jurisdiction of the adjudicators at the Traffic Penalty Tribunal (TPT) has increased over the years, expanding from parking contravention appeals to bus lane, moving traffic, clean air and road user charging schemes, as well as littering from vehicles. During the reporting year, the number of local authorities enforcing traffic contraventions has also expanded.

### Clean Air Zones

Clean Air Zones are now being enforced in Bath, Birmingham, Bradford, Bristol, Oxford (Zero Emission Zone), Portsmouth, Newcastle/Gateshead and Sheffield, with further schemes under discussion in Greater Manchester and Stoke-on-Trent / Newcastle-under-Lyme.

There are four types of Clean Air Zones:



**A:** Applying to buses, coaches, taxis and private hire vehicles (PHVs).

**B:** Applying to buses, coaches, taxis, PHVs and heavy goods vehicles (HGVs).

**C:** Applying to buses, coaches, taxis, PHVs, HGVs, vans and minibuses.

**D:** Applying to buses, coaches, taxis, PHVs, HGVs, vans and minibuses, as well as private cars (there is also an option to include private motorcycles under this zone category).

### Moving Traffic and Bus Lanes



New regulations giving effect to moving traffic enforcement powers for local authorities in England (outside London) – under Part 6 of the *Traffic Management Act 2004* – came into force on 31 May 2022.

In the reporting year, moving traffic enforcement commenced in the local authority areas of Derby, Durham, Hampshire, Luton, Oxfordshire and Reading. Bath & North East Somerset, Bedford, Buckinghamshire, Kent, Norfolk and Surrey are also due to start, with 30 further authorities seeking the powers.

Local authority areas commencing bus lane enforcement in the reporting year include Adur and Worthing, Blackpool, Hampshire, North Somerset and Watford.

### Littering from vehicles



Contraventions are now being enforced in Bradford and Dorset, with a further seven councils working towards commencement.

## 1.2 Appeal outcomes

The number of cases registered in the reporting year has increased slightly, reflecting some return to normality after the disruption caused by the coronavirus pandemic.

### Total appeals, 2022–23 (previous year shown in brackets)

- **Cases registered by adjudicator:**  
22,063 (20,300)
- **Statutory Declarations / Witness Statements:**  
1,648 (1,677)
- **Appeals (PCNs) determined:**  
31,327 (27,849)
- **Appeals allowed:**  
16,549 (18,144),  
of which 12,245 (13,276) were not contested
- **Appeals refused:**  
6,621 (4,260),  
of which 226 (240) were withdrawn

**A note on the data:** The perceived discrepancies in the number of cases received and appeals determined can be explained by some cases having been received and registered prior to April 2022, but determined in the reporting period, as well as by the fact that a single case can contain multiple Penalty Charge Notices (PCNs) under appeal. In these cases, each of the notices is addressed on the evidence provided by the parties for that particular alleged contravention, and the outcome for each may be different (i.e., under one appeal, a PCN may be allowed, with another refused).

The witness statement declaration process at the Traffic Enforcement Centre (TEC) of the Northampton County Court also impacts the 'cases registered' statistics. Not all declaration referrals will result in the adjudicator directing that the matter should be registered. The majority of these mandatory referrals will result in a payment direction being made, should the adjudicator determine that the motorist, the Respondent to the County Court proceedings at the TEC, has not met the requirements of the statutory process, giving rise to a right of appeal before the independent adjudicator.

Excluded from the data above are appeals closed by 'consent order' – PCNs that were cancelled based on an agreement between the authority and appellant (e.g. payment of the original charge amount).

In this reporting year, the TPT has also been able to return cases relating to the 'Merseyflow' road user charging scheme to

the adjudication lists. These cases had been stayed while adjudicators waited for the Court's judgment further to judicial review proceedings. The judgment was handed down on 14 February 2023 (see Page 9), allowing the stayed PCNs that remained contested to proceed to determination before the independent adjudicator.

Not all cases received at the Tribunal are registered and scheduled for appeal. The adjudicators must apply the law, and cases submitted to the adjudicator that do not meet the requirements of the regulations (for example, those that are late or incomplete) may be rejected or returned to the appellant with a request for further or corrected information. It is only once the cases have been checked and found to be valid under the regulations that they can be registered and scheduled for determination by the independent adjudicator.

### Appeals ≠ Referrals

Mandatory referrals to the adjudicator, further to an order issued by the TEC, are not automatically listed for appeal. The revoking order does not cancel the PCN and the regulations require the adjudicator to give directions as to the conduct of the proceedings, unless it is considered that no such directions are necessary. The directions may include making an immediate payment order, listing the matter for appeal, or for the consideration of an order for costs. In the reporting year, 1,492 (1,519) payment directions were made further to a referral from the TEC.

The individual penalty jurisdictions the Tribunal determines appeals for had the following receipt numbers and outcomes in 2022-23 (previous year shown in brackets).

Excluded are data for the Durham Road User Charge Zone, for which no appeals were received.

### Clean Air Zone

<b>Appeals received:</b>	6,507 (4,967)
<b>Referrals made:</b>	92 (51)
<b>TOTAL:</b>	<b>7,427 (5,477)</b>
<b>Appeals allowed:</b>	<b>6,259 (6,361),</b> inc. 5,046 (5,698) not contested
<b>Appeals refused:</b>	<b>1,220 (139),</b> inc. 44 (12) withdrawn

### Parking

<b>Appeals received:</b>	8,033 (7,613)
<b>Referrals made:</b>	1,175 (1,385)
<b>TOTAL:</b>	<b>9,208 (8,998)</b>
<b>Appeals allowed:</b>	<b>4,011 (2,675),</b> inc. 2,028 (1,912) not contested
<b>Appeals refused:</b>	<b>2,841 (2,176),</b> inc. 62 (55) withdrawn

### Dart Charge

<b>Appeals received:</b>	2,883 (2,467)
<b>Referrals made:</b>	0 (0)
<b>TOTAL:</b>	<b>2,883 (2,467)</b>
<b>Appeals allowed:</b>	<b>3,285 (2,829),</b> inc. 3,043 (2,791) not contested
<b>Appeals refused:</b>	<b>604 (228),</b> inc. 28 (25) withdrawn

### Bus Lane

<b>Appeals received:</b>	4,144 (4,365)
<b>Referrals made:</b>	172 (189)
<b>TOTAL:</b>	<b>4,316 (4,554)</b>
<b>Appeals allowed:</b>	<b>2,586 (3,246),</b> inc. 1,741 (2,039) not contested
<b>Appeals refused:</b>	<b>1,638 (1,313),</b> inc. 71 (50) withdrawn

### Merseyflow

<b>Appeals received:</b>	404 (762)
<b>Referrals made:</b>	0 (0)
<b>TOTAL:</b>	<b>404 (762)</b>
<b>Appeals allowed:</b>	<b>372 (1,066),</b> inc. 366 (813) not contested
<b>Appeals refused:</b>	<b>267 (350),</b> inc. 15 (96) withdrawn

### Moving Traffic

<b>Appeals received:</b>	83 (122)
<b>Referrals made:</b>	6 (19)
<b>TOTAL:</b>	<b>89 (141)</b>
<b>Appeals allowed:</b>	<b>31 (52),</b> inc. 19 (23) not contested
<b>Appeals refused:</b>	<b>48 (53),</b> inc. 5 (2) withdrawn

### Littering from Vehicles

<b>Appeals received:</b>	9 (4)
<b>Referrals made:</b>	0 (0)
<b>TOTAL:</b>	<b>9 (4)</b>
<b>Appeals allowed:</b>	<b>5 (3),</b> inc. 2 (0) not contested
<b>Appeals refused:</b>	<b>3 (1),</b> inc. 1 (0) withdrawn

## 1.3 Method of decisions

**e-Decisions: 18,043** (17,632)

e-Decisions (referring to a decision processed through the Tribunal's digital case management system) are determined by the adjudicator on the evidence provided by each party to the appeal, without further oral evidence or submissions.

Under the *Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022*, the adjudicator has the power to require the attendance of 'any person including a party to the appeal'. The nature of TPT's proceedings are such that the just and proportionate determination of an appeal is achieved following the consideration of evidence and representations submitted by the parties, without the need for further oral evidence or submissions.

This is all the more so now that high-quality CCTV evidence, photographs and documents can be readily uploaded to the digital case management system for viewing by the parties and the adjudicator, providing effective access to justice without the need for attendance

**Telephone / Video Attendance Hearings: 2,137** (1,914) of which attendance by telephone: **1,493** (1,382) and via video: **644** (532).

These appeals were determined by the adjudicator with telephone or video attendance having been selected by the appellant and/or an authority representative. Witnesses may also take part in telephone and video hearings.

Telephone and video hearings take place using the Microsoft Teams video-conferencing platform, accessible from computers, tablets or smartphones, with the option to either turn the camera on (for a video hearing) or off (for a telephone hearing). Either party can also simply call-in to the Teams meeting by phone.

## 1.4 Costs

Under the regulations governing the Tribunal, the adjudicators shall not normally make an award of costs or expenses, and may only do so if the party against whom the order is made has acted in a way that is frivolous, vexatious or wholly unreasonable with regard to the appeal.

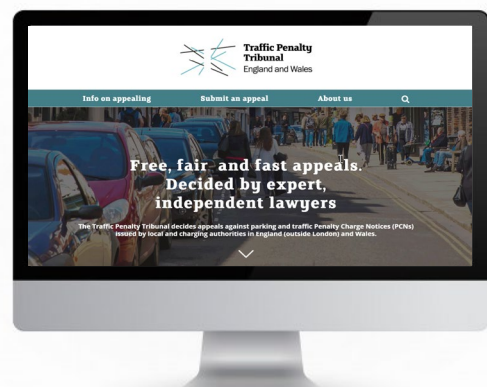
This is a high threshold of improper conduct to meet. There is no power to make an award of compensation. The jurisdiction has no application fee for appellants and, as reflected by the limited number of awards, costs under our regulations are not the norm.

Application for costs			
	Appellant	Authority	TOTAL
<b>Costs applications made</b>	108 (139)	2 (3)	<b>110 (142)</b>
<b>Costs awarded</b>	2 (11)	0 (3)	<b>2 (14)</b>

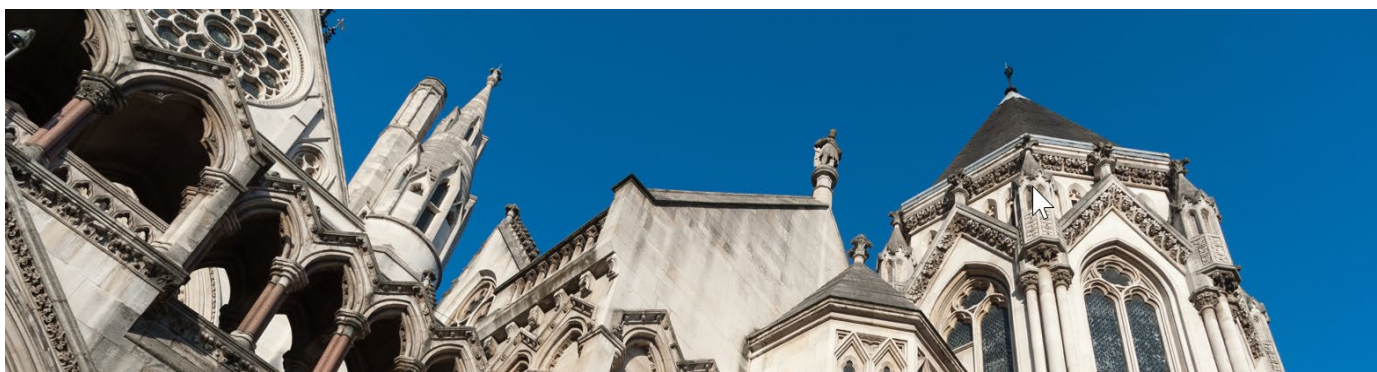
### Want to find out more?

Further information on the Tribunal's work, as well as comprehensive information on the enforcement and appeals process for different penalty types can be found at:

[www.trafficpenaltytribunal.gov.uk/](http://www.trafficpenaltytribunal.gov.uk/)







## 2. Judicial Review

**The judicial decision of the independent adjudicator – including a case management decision – cannot be investigated by way of a complaint, but may be challenged under the regulations by review and, thereafter, judicial review.**

An application to apply for permission to seek the judicial review of the adjudicator’s decision must be made in the High Court, usually within three months of the date of the outcome that is further challenged. The Tribunal does not usually take part in judicial review proceedings – the Appellant and the Respondent to the appeal being the protagonists (the council authority Respondent to the appeal before the adjudicator having been joined to High Court proceedings as an interested party). In some cases, however, it may be appropriate for the Tribunal to assist the Court, particularly where the motorist Appellant is unrepresented and is the Defendant to proceedings brought by a Claimant authority and the outcome will have an impact on a large number of appeals where the same regulations are applied (as illustrated in the Halton Borough Council matter, detailed below).

The decision of the High Court is binding on the adjudicators, who welcome clear direction and clarification as to the correct interpretation of regulations and the application of the law from a Higher Court. These outcomes are binding on the adjudicator and serve to quash any uncertainty, allowing the law to be applied consistently to the benefit of all users.

**This reporting year saw a number of judicial review applications and outcomes.**

### 2.1 Outcomes – permission granted

#### Case:

*R (Halton Borough Council) v Road User Charging Adjudicators and Damian Curzon (interested party)* [2023] EWHC 303 (Admin)

*Curzon v Halton Borough Council* (TPT XM02448-1907/XM02461-1907/XM03506-1910/XM03890-1911/XM00352-2002/XM00441-2003/XM00030-210/XM00377-2106/XM00435-2107/XM00477-2107/XM01885-1906)

**Outcome summary:** The full judgment can be accessed at: [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Admin/2023/303.html&query=\(%22curzon%22\)+AND+\(halton\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Admin/2023/303.html&query=(%22curzon%22)+AND+(halton)), but is summarised below with reference to the relevant paragraphs of the judgment, delivered by Mr Justice Fordham on 14 February 2023.

#### Introduction

1. The Claimant charging authority (“the Council”) judicially reviewed adjudicators’ decisions in test cases which allowed appeals against penalty charge notices (“PCNs”) issued for non-payment of charges under the Road User Charges Scheme applicable to two bridges spanning the Mersey between

Runcorn and Widnes. The appeals had been allowed on the basis that, in each case, there had been a “procedural impropriety on the part of the charging authority”, a ground of appeal under regulations 8(3)(g) and 11(6) of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (“the Regulations”), by reason of (i) unlawful delegation of statutory functions to a third party in relation to consideration of Representations filed under regulation 8(9) (“Representations”), (ii) unlawful fettering of discretion by the rigid application of criteria set out in “Business Rules” and (iii) the provision of misleading information in relation to costs in the Notice of Rejection of Representations (“NOR”).

2. A large number of issues were raised in the claim, and the judgment is long. It usefully summarises and analyses the relevant road user charging scheme. **This note focuses on the three determinative issues, and the core reasoning of the judge (Fordham J) in relation to each.**

### **The Temporal Jurisdiction of an Adjudicator**

3. The Council argued that the concept of “procedural impropriety” in regulation 8(3)(g) was confined to matters which occur *before* the filing of Representations.
4. The judge rejected this argument, concluding that, on the true construction of the Regulations, the concept of “procedural impropriety” included matters which occurred after the filing of Representations under regulation 8(9); and so could constitute a ground upon which an adjudicator could allow an appeal under regulation 11(6) ([37]-[39]). As an alternative route, he also concluded that a failure by the Council to observe the regulation 8(9) duty to consider Representations would in any event constitute a ground of appeal under regulation 8(3)(e) because, under the Regulations, that failure to consider the Representations as required would have the prescribed consequence that the Representations would be deemed to have been accepted (but see 8(i) below).

### **Delegation of the regulation 8(9) duty to consider Representations**

5. The Council has delegated many of its road user charging functions to a third-party contractor. In respect of Representations, these are considered by the contractor who is required to perform this function by applying a policy (“Business Rules”) which provides for pre-determined decisions in a number of described factual scenarios with the case that does not fit within these scenarios being referred to an “Escalation Panel” of Council employees who determine whether or not to accept the Representations.
6. The Adjudicators held that it was a “procedural impropriety” for the Council to delegate consideration of Representations under regulation 8(9) to a third-party contractor. The judge found that they were wrong to do so.
7. The judge accepted that, if there had been unlawful delegation, the consequence would have been a breach by the Council of its regulation 8(9) duty which would be a “procedural impropriety”. However, he held that, under, not section 192 of the Transport Act 2000, or the Road User Charging Scheme Orders, but rather by article 43 of the River Mersey (Mersey Gateway Bridge) Order 2011 as amended (under which the Council was given the power to construct and operate the second Mersey Bridge), the Council as undertaker had a wide power to enter into “concession agreements” in relation to its obligations in relation to “authorised activities” which included its regulation 8(9) obligation to consider Representations. He did not consider that that construction was undermined by an amendment to the 2011 Order which restricted the ability of the Council to transfer away its functions as charging authority (see [49]-[65], especially [60]).

### **Fettering of Discretion**

8. The judge held that the Adjudicators were not entitled to hold that it was a “procedural impropriety” for the Council to adopt a policy, in the form of the Business Rules, to be applied in the determination of regulation 8(9) Representations by caseworkers of the third-party contractor (see [66]-[90]).

- (i) The judge held that, whilst a complete failure to consider representations would be a “procedural impropriety”, anything less would not. So, it would not be a “procedural impropriety” if the caseworker considered Representations with an insufficiently open mind (see [75]).
- (ii) In any event, a policy (such as the Business Rules) was not discretion-fettering or (systemically) unlawful by merely providing pre-prepared responses to commonly encountered scenarios where they fit (see [78] and [87]). Where they did not fit, an individual assessment was made by the Evaluation Panel (see [73]).
- (iii) In any event, on an appeal, the Adjudicator could consider the evidence afresh and determine whether a regulation 8(3) ground or compelling reasons had been established (see [89]). This was an important “safety net”.
- (iv) Looking at the individual cases, there was no discretion-fettering.

### Inaccurate and Misleading Costs Information in the NORs

9. The judge accepted that the Adjudicators were entitled to conclude that the costs information set out in the NORs was inaccurate and misleading, in that it suggested that costs could be awarded against the Council only if it had acted wholly unreasonably in rejecting Representations, whereas costs could be awarded against the Council in a number of situations (including, e.g., where its conduct in resisting an appeal was wholly unreasonable).
10. However, he held that this did not constitute a “procedural impropriety”, because regulation 10(1)(b) imposed a requirement to include in the NOR only “the nature of an adjudicator’s power to award costs against any person appealing” – which the NORs did in these cases (see [91]-[95], especially [95(iii)]).

## 2.2 Applications – permission refused

### Case:

*The Queen on the Application of Simon Wright -v- Traffic Penalty Tribunal and Brighton and Hove City Council (interested party) CO/469/2022*

*Wright v Brighton & Hove City Council (TPT BH00563-2110)*

### The appeal decision

*“This case was decided without the need for a hearing on 5 November 2021.*

*Mr Wright argues that the road layout and markings encourage a driver approaching the area from North Road to approach the bus gate. This is because on the road surface at the end of North Road are the words ‘Local Traffic’, with a directional arrow. He also argues that this ‘bus gate’ should be marked in a similar way as a bus lane, i.e. with solid white lines to properly inform motorists of its presence. Lastly he quotes Mr Justice Beatson in a High Court decision regarding a bus gate in Oxford High Street in which Mr Justice Beatson expressed his view that councils should review their enforcement policies so that PCNs will not be issued where there is no possibility of a bus being obstructed.*

*I have looked at the evidence provided by Mr Wright, and I agree that there is a road surface marking at the end of North Road encouraging local traffic to turn left into the road which eventually leads to the bus gate. However, as is clear from the driver’s view video provided by the Council, there is an advance warning sign before the junction with Trafalgar Road, and then a further road surface marking for other traffic to turn left into Trafalgar Road, and the ‘bus only’ signs at the commencement of the bus gate together with the lettering on the road surface ‘Bus Gate’.*

*Looking at the situation as a whole, I am satisfied that drivers are given adequate notice about the bus gate, and how to avoid it by turning left into Trafalgar Road.*

*The only difference between a bus lane and a bus gate is that a bus gate indicates that the entire length of street is prohibited to traffic other than buses, whereas a bus lane indicates that part of the street,*

*normally a with-flow bus lane, is reserved for buses. The signs and markings for both types of arrangements are different, and I find that the Council have marked this bus gate appropriately. I am aware of Mr Justice Beatson's comments regarding the issuing of PCNs when there is no prospect of a bus being obstructed. Adjudicators will certainly look at whether scheduled buses are due to run at the time that the alleged contravention was recorded. PCNs issued in the early hours of the morning when scheduled buses have stopped running are likely to result in an appeal being allowed. However this incident occurred at 3:39 PM and scheduled buses were certainly running - the video shows that there is one in front of Mr Wright's car, further down the road. I do not consider that Mr Justice Beatson intended to convey the impression that drivers are free at all times to make their own assessment of whether they can enter bus lanes or bus gates, depending on their view of the conditions. This would simply result in motorists ignoring bus lane/gate restrictions most of the time, frustrating the purpose of creating the bus-only restrictions. I therefore find that this contravention did occur, and I dismiss the appeal. The £60 penalty will need to be paid within 28 days."*

### **The application for review**

The reviewing adjudicator identified no ground for review under the regulations and rejected the application.

### **The application for judicial review**

The application was refused. The adjudicator had provided cogent reasons for her conclusions. The reviewing adjudicator directed himself correctly as to the test to be applied. The power of the administrative court to interfere with the decisions of the Defendant are limited. The challenges do not demonstrate that the decision was arguably perverse nor that there was an arguable error of law.

### **Case:**

*The King on the Application of Nicolas Garside -v- Parking Adjudicator /Traffic Penalty Tribunal (England and Wales) and Sheffield Council (interested party) CO/1983/2022  
Garside v Sheffield City Council (TPT FD00024-2201 & FD00548-2112)*

### **The appeal decision**

*1. Mr Murray-Smith represented the appellant at the hearing. The Council were in attendance. I have also considered the documents provided by the parties. It was common ground that twelve PCNs had been issued to the vehicle for the same contravention code but only two had been paid.*

*2. At the outset, I raised my concern with Mr Murray-Smith that no factual explanation had been provided from the appellant at any stage as to why the vehicle was parked at the location in this manner. Further, no explanation had been given by the appellant as to how long the vehicle was parked at the location. Mr Murray-Smith said he had been advised by the appellant that the vehicle was parked and he did not return to it for around one month. There was nothing in writing to support this assertion. I have therefore considered the facts as at each time the vehicle was observed.*

*3. Mr Murray-Smith submitted that there was only one contravention as the vehicle remained in situ for around one month. There was no rule set in law that a new contravention occurred every 24 hours. The Council were not permitted to issue multiple PCNs for a single wrong. Only one PCN should have been issued for a single contravention, which lasted around one month. Further, it was open to the Council to remove the vehicle.*

*4. The Council maintained that the vehicle was not permitted to park at the location. They accepted that one PCN had been cancelled as it had been issued within 24 hours of another PCN. This was in line with operational guidance issued in around 2010, which encouraged Council's not to issue a second PCN for the same contravention within a 24 hour period. The PCNs under challenge were not issued on sequential days and no explanation had been provided as to why the vehicle was at the location. The Council did not operate a policy of removing vehicles from this location.*

*5. The "no parking at any time" restriction applied at all times and no exemptions applied. It was common ground that on each occasion the vehicle was observed, it was parked with the rear of the vehicle on double yellow lines. Roughly a quarter of the vehicle was in the restricted area. It was not disputed that the*

vehicle was not permitted to park on and overhang the double yellow lines.

6. It was for the motorist to ensure that the vehicle was parked in accordance with the rules. The appellant provided no explanation to the Tribunal or Council as to why the vehicle was parked in this manner, he said nothing as to whether it was moved and if not moved, why he did not check the vehicle given that it was parked in relatively close proximity to his residential property. The vehicle appears to have been observed on various days over a period of time and on each occasion it was parked contrary to the rules.

7. Mr Murray-Smith is right that there is no legal requirement for PCNs to be cancelled if they are issued within a 24 hour period, this was guidance that formed part of the 2010 Operational Guidance to Local Authorities. In my view it is, effectively, good practice not to issue multiple PCNs within the same day for the same contravention. Likewise, vehicles are not permitted to park and remain parked in a restricted area over time. The appellant left the vehicle at the location (if it is the case that it was not moved) at his own risk. On the facts, I find that on each occasion the vehicle was observed the CEO correctly recorded that a contravention had occurred. Each PCN was properly issued.

8. The matters raised by Mr Murray-Smith really amount to mitigation. However, consideration of mitigation is a matter for the Council as they have discretion as to whether to enforce a PCN. Given the lack of explanation from the appellant, the Council decided not to cancel the PCNs. These were decisions they were entitled to make.

9. The appeal is dismissed. Mr Garside remains liable for each PCN at £70 each.”

### **The application for review**

The reviewing adjudicator identified no ground for review.

### **The application for judicial review**

The application on the ground of unlawfulness, irrationality or perversion was refused. The Claimant had not shown to the relevant standard that the decision was either irrational or perverse, or that the decision was so unreasonable that no reasonable authority could ever have come to it or that the defendant failed to take into account a relevant or material consideration, took into account an irrelevant consideration, or was unreasonable in relation to a non-mandatory consideration and the decision reached.

### **Case:**

*The King on the Application of Yash Kansal -v- Traffic Penalty Tribunal and Manchester City Council (interested party) CO/3086/2022*

*Kansal v Manchester City Council (TPT MC00153-2203)*

### **The appeal decision**

*“Mr Kansal accepts he had parked in Stockport Road at the time the council say his vehicle was observed by a civil enforcement officer and having seen the photographs taken by the officer he now recalls that he had stopped on an emergency basis to check whether his GPS on his mobile phone was working and he got out of the car to ask someone if he was travelling in the right direction, he was not familiar with the area.*

*Mr Kansal says he did display his disabled badge, a copy of which he provides with his evidence and having considered the council’s evidence, notes the civil enforcement officer says he did not see a disabled badge and noted he saw a man, “30,” return to the car when he is over 74 years of age. Mr Kansal says he had parked in accordance with the single yellow line and had not obstructed other road users and in the circumstances he says the PCN should not be enforced.*

*The council’s evidence of the contravention is contained in notes made by the civil enforcement officer of his observation of the vehicle and three photographs of the vehicle and the signage in place all timed at 16:54 hours and in this respect, whilst Mr Kansal queries the timings, I accept all three photographs of the vehicle could have been taken within a minute*

*The photographs show no one was in the front seats of the vehicle, a disabled badge cannot be seen but in this respect I accept it was dark and whilst the photographic evidence is not clear on this point the officer has made a note a badge was not seen in the vehicle. The photographs show the vehicle was parked on a clear single yellow line and there were single kerb markings on the pavement next to the car that indicated*

*the presence of the loading ban. The car was also parked in reasonable proximity to the parking sign in front of it that indicated the loading ban applied on Mondays to Saturdays between 4:00pm and 6:30pm and as such, there was no entitlement to park with a disabled badge and also no requirement for a civil enforcement officer to allow an observation or grace period. The blue badge handbook explains this under the heading, "Places where you cannot park," these places include, "Places where a ban on loading or unloading is in force, as indicated...by kerb markings."*

*The civil enforcement officer noted as he was issuing the PCN an, "Asian male, 30," returned to the car and drove off before the PCN could be handed to the driver or attached to the vehicle and the PCN was subsequently issued by post.*

*Although Mr Kansal says in his most recent representations to the tribunal he had not been fully aware of the incident, hence some confusion in his representations, I note in none of his representations to the council or the tribunal does he make reference to the civil enforcement officer, who must, as he returned to the car, have been very near him and, as the officer recorded he saw a man of 30 years, I have considered whether Mr Kansal had not been the driver of the vehicle at this time, but had recollected another occasion when he might have been lost in Stockport Road.*

*The issue for me however, is whether the vehicle had been parked on a single yellow line when there was a loading ban in force and whether the officer was entitled to issue the PCN by post and in reviewing the evidence I find the photographs show the yellow line and no loading sign clearly, the kerb markings are less clear but they were visible nonetheless and I am satisfied there was no entitlement for a disabled badge holder or a person who was not a disabled badge holder to park at this time. When a loading ban is in force it does not matter that any loading activity does not take place or that the vehicle was not parked in a loading bay but it does mean the display of a disabled badge, if that was the case, does not permit parking during the times of the loading ban and whilst Mr Kansal may have wanted to check his GPS on his phone, I cannot find this was an emergency so that he had to stop where he did. I am also satisfied the vehicle was driven away before the PCN could be issued and so the council was entitled to post the PCN to Mr Kansal.*

*In reaching my decision I also accept the council did consider the mitigating circumstances put to them although they were rejected but where mitigation has been considered and rejected an adjudicator has no power to set this decision aside. Whilst I do understand Mr Kansal had been unaware of the effect of a loading ban and the extent to which it meant an exemption from the restriction for a disabled badge holder did not apply, I do find the contravention proved and also refuse this appeal.*

*The amount to be paid in respect of the PCN is £70. The discounted rate of £35 is only available to those who accept liability for a PCN and pay within fourteen days of its issue, an incentive for prompt payment but thereafter the charge is payable at the standard rate, irrespective of whether an appeal has been lodged, unless the council re-offer the discounted rate and they have not done so in this case. An adjudicator is not able to alter the amount to be paid in these circumstances and although Mr Kansal may be disappointed by this decision he is required to pay £70, the standard rate of the PCN."*

### **The application for review**

The reviewing adjudicator identified no ground for review.

### **The application for judicial review**

The Claimant had failed to show any irrationality or perversion in the decision of the adjudicators, in particular with reference to bias and prejudice, no proper details were given. The application that showed no ground or a real prospect of success was refused.

## **2.3 Applications – outcome pending**

### **Case:**

*The King on the Application of Gary Parkin v The Adjudicator and Nottingham City Council (interested party) CO/1050/2023  
Parkin v Nottingham City Council (TPT NG00375-2211)*

## 3. Key Cases

**A new key cases public website is being created to bring London and Traffic Penalty Tribunal key cases together at one location, allowing all tribunal users to benefit from one site that presents consistent and accurate information. Key decisions that provide our users with clear information regarding the law or the appeal process will be published on the site with a search facility to identify the required topic.**

The site will also provide direct access to the legislation governing the tribunals and to the published High Court decisions that are binding on adjudicators. For example, the user querying the legal source confirming the adjudicator's lack of power to consider mitigation, will be directed to [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2005/1540.html&query=\(walmsley\)+AND+\(adjudicator\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2005/1540.html&query=(walmsley)+AND+(adjudicator)), the relevant Court of Appeal decision.



**Example Key Case:** *Kimpton v West Northamptonshire Council (TPT NP00130-2210)*

The key decision below is reproduced by way of an example, the adjudicator having succinctly addressed representations frequently seen at the Traffic Penalty Tribunal that are downloaded from a misleading public website.

1. This appeal was decided at a telephone hearing on 14/11/2022 attended by Mr Kimpton and by Miss Curtis on behalf the Council.
2. The Penalty Charge Notice (“PCN”) was issued to Mr Kimpton’s vehicle for being parked in contravention of a no waiting at any time restriction in School Lane, Kettering on 02/08/2022 at 11:48am.
3. Mr Kimpton has raised a number of points in his appeal regarding the enforceability of the PCN and the conduct of the Council. He has not specifically commented on the contravention itself other than to say it did not occur. Mr Kimpton says that the Council have not presented him with a bill recognised under the Bills of Exchange Act 1882 and says that the Council cannot in any event raise a bill because there is no commercial arrangement in place between North Northamptonshire Council and himself. He also says the Council have committed fraud under the Fraud Act 2006 due to their failure to raise a bill signed in wet ink. He says that he has not consented to be governed by Acts of Parliament including the Transport Management Act 2004 and there is only one supreme authority and that is God. He also complains that the Council have not responded to the points he raised.

### Findings

4. The Civil Enforcement Officer’s photographs show Mr Kimpton’s vehicle parked next to clearly marked double yellow lines. The vehicle was observed for six minutes. I am satisfied that his vehicle was parked in contravention.

5. The other matters raised by Mr Kimpton are misconceived. The Traffic Management Act 2004 is an Act of Parliament which makes provision for the civil enforcement of traffic contraventions. Regulations have been passed for the imposition of penalty charges in respect of road traffic contraventions that are subject to civil enforcement. Schedule 7 of that Act specifies the road traffic contraventions subject to civil enforcement which include parking contraventions. No agreement is necessary to this legislation. It is binding in law.
6. Mr Kimpton's vehicle was parked in contravention and he is liable to pay the penalty charge. If he wishes to review the legislative regime in place and its legal basis the proper forum is in the High Court by way of judicial review.
7. There is no evidence of fraud on the part of the Council.
8. This decision is being sent by post to Mr Kimpton as he has requested.
9. The appeal is refused.



**Example Key Case:** *Forster v South Tyneside Council (TPT TY00014-2211)*

A further key decision below underlines that the responsibility for navigating the vehicle clear of prohibitions rests with the driver – even if a navigation system is being followed – but also illustrates how each appeal is determined on the evidence submitted. This means that two appeals that appear, on the face of it, to have inconsistent outcomes are not inconsistent when the evidence submitted by the parties for each separate appeal is examined.

When both parties engage with the appeal process, the adjudicator can consider both perspectives fully, allowing the adjudicator to determine the appeal having had the benefit of a complete picture, as illustrated in the decision below.

1. Miss Forster appeals because she says that she was following her sat nav, does not recognise the term bus gate, which she assumed did not apply to her, and that the signage and carriageway markings for the bus gate were inadequate.
2. This location has produced a number of appeals, two of which have been decided by me. In TY00005-2203 I recorded as follows:

“I have considered previous adjudication decisions by this tribunal and it is fair to say that appeals have been both dismissed and allowed. One key recent decision, following argument from the Council's senior engineer in a telephone hearing, is TY00013-2009. For convenience I have reproduced the reasoning of Adjudicator Mr Solomons in that appeal below:



1. Mr R requested a telephone hearing for this appeal and this took place this morning. South Tyneside Council were represented by Mr Stefan Bell, Senior Engineer.
2. It was not in dispute that the vehicle, a car, had been driven at the time, date and location identified on the penalty charge notice (PCN). The council said that in doing so it had been driven in contravention of a bus lane restriction.
3. Mr R appealed on the basis that the signage of the restriction was unsatisfactory. He said that he was unfamiliar with the term "Bus Gate" as written on the road surface marking. He was in an unfamiliar area and had not, so far as he was aware, driven in a bus lane. He relied on newspaper reports indicating a large number of PCNs being issued at this site.
4. On behalf of the council Mr Bell said that the signs beside the road and the road surface markings were consistent with the requirements of national Regulations and there was advance signage in addition to make clear that "other traffic" should turn into Sterling Avenue, prior to the commencement of the restricted area of road. He said that the number of PCNs being issued had reduced.
5. I asked him why there were no interrupted line road surface markings drawing traffic into Sterling Avenue as recommended in figure 9-26 of Chapter 3 of the Department for Transport's Traffic Signs Manual (TSM). He responded that the traffic flow from the A194 into Edinburgh road in the opposite direction was such that this might lead to traffic backing up onto the main road, which might be unsafe. He was unable to provide traffic flow figures at the hearing.
6. I have reviewed the documents and photographs and have seen a significant number of other appeals relating to signage at this location.
7. Edinburgh road used to be the main exit from a housing estate onto the A194. A short distance prior to the main road junction the council has installed a bus gate. A bus gate is a short section of bus only street and falls within the legal definition of a bus lane. Whilst I accept that Mr R may be unfamiliar with the term Bus Gate, this road surface marking is required by the Regulations and so the council are not to be criticised for using it. On the other hand, the roadside sign meaning local buses and cycles only is included in the Highway Code, and has been for many years and so drivers may reasonably be taken to understand them.
8. Where a bus gate is located midway along a straight section of road, and not at a junction, it is of particular importance that signage is clear to indicate to drivers that they should not simply continue along the same section of road. That may be a particular importance where the road leads to a main junction.
9. The TSM recommends a number of means to assist drivers to realise there is a Bus Gate restriction ahead. There must be advance signage, and I recognise that the signage used is consistent with the type recommended. At paragraph 9.7.3 it is recommended "that part of the carriageway reserved for buses should be separated from the opposing flow traffic by a traffic island...". No such traffic island has been provided.
10. The paragraph continues "If a bus gate is placed on a road that was previously a signed route or was used by significant through traffic, consideration should be given to providing or changing directional signing to guide prohibited traffic to use the preferred alternative route...". No such directional signing has been provided, notwithstanding this was a main exit from the estate leading to a major road.
11. Figure 9-26 recommends the use of interrupted lines to draw traffic into the "other traffic" route. None have been provided. It may well be that the council are justified in their view that this would be undesirable if there is substantial traffic flow from the A194 in the opposite direction, but firstly traffic flow figures have not been provided to me and secondly if that is right then traffic flow in the opposite direction is likely to be substantial and the need for additional signing making clear that traffic should turn into Sterling Avenue is enhanced.
12. Overall, whilst it is not for me to dictate to the council what further measures should be taken, I am not satisfied that the signage at this location meets the required standard of adequacy and for that reason this appeal is allowed."

The Council relied on the same map based photographic evidence in this appeal as it did in TY00013-2009. It therefore does not appear that any changes have been made to the signage and carriageway markings in place since that appeal. I am not bound to follow the decision of another adjudicator in a previous appeal. However, I find Adjudicator Mr Solomon's reasoning to be persuasive, particularly as he had the benefit of oral submissions and argument from the Council's senior engineer when making his decision. I would add that, whilst the term "bus gate" cannot be criticised, the co-location of a "bus gate" carriageway marking and the signage for the bus gate with the markings for a bus stop (evidence tab 1) could cause confusion.

For these reasons I am not satisfied that a motorist would be given adequate information of the restriction. That means that there was no contravention.

3. See also TY00006-2204.
4. The Council's evidence in this appeal is substantially the same as in the previous appeals I have mentioned, with the addition of traffic flow figures (evidence tab 10). However, in previous appeals I had made the point that I did not have the benefit of submissions from the Council. The Council now makes extensive written submissions both to address Miss Forster's comments about the term bus gate and to address the points which had arisen in the previous appeals (evidence tab 11). The key points made by the Council are that (i) it is for the Council to decide on the signing regime, with TSM in particular acting only as guidance; and (ii) it would not be safe or practicable to adopt the suggestions (a) of a traffic island or (b) a changed priority with the interrupted lines on the carriageway drawing traffic into Stirling Avenue (noting that the Council says that it considered the example given in TSM figure 9-26 but that the road layout at this location is different to that example).
5. First, I agree with the Council's position that lack of familiarity with the term bus gate is not a defence. The term is in TSRGD and guidance and applies to a short length of bus lane or bus only road. It is also no defence for a motorist to follow their sat nav into a restriction. The onus is on the motorist to follow signage and carriageway markings in place.
6. In relation to the signage the question for an adjudicator is whether, viewing the situation as a whole, the signage gives adequate information of the restriction to a motorist. Guidance is helpful but (as the Council effectively says) is not determinative. Whilst Adjudicator Mr Solomons made reference to traffic flow figures, they may explain the reason why a Council has chosen a particular road layout, but that does not mean that the signage is adequate.
7. However, it is not for an adjudicator to denude a restriction of its effect in circumstances where the Council has considered guidance and concluded that there are reasons why the preferred approach would not work. Whilst the traffic figures provided by the Council do not provide a full picture because they do not indicate how much traffic would have to wait at an altered junction between Edinburgh Road and Stirling Avenue (which presumably would depend on the volume of traffic heading into or out of Stirling Avenue) I accept the broad thrust of the Council's submission that it had concluded that the alternative road layout would introduce safety concerns at that junction and on the A194. The Council also makes the point that traffic flow improvements would be reduced with the alternative layout. It appears therefore that the road layout is the most sensible available, and there are legitimate reasons for not following the preferred example in TSM guidance.
8. The Council makes the point that the width of the carriageway is not sufficient to accommodate a traffic island at the bus gate.
9. Having explained the Council's position in response to the points made by Adjudicator Mr Solomons at paragraphs 9 - 11 of his decision quoted above, it seems to me a simple exercise of determining whether the signage in place would give adequate information, recognising that it is not perfect. There is (as the Council says) two sets of advanced warning signage, with the signage closest to the bus gate including directional information for other traffic. There are bus gate and camera warning signs at the bus gate itself and the carriageway has a differentiated carriageway colour and "bus gate" marking. The Council's photographs show these to be clearly visible and, viewing the situation as a whole, I am satisfied that they would give adequate information, notwithstanding the objections which can be taken to them.
10. It follows that by using the bus gate Miss Forster contravened the bus gate restriction and the Council was entitled to issue and serve the PCN. I dismiss Miss Forster's appeal and she must now pay the penalty charge to the Council.

# 4. Training and Appraisal

## 4.1 Training

### Cross-deployment of adjudicators

Nine adjudicators from London Tribunals have been cross-deployed, allowing them to be appointed to sit at the Traffic Penalty Tribunal (TPT). This shared use of expertise and experience recognises and applies the Senior President of Tribunals' aim to achieve cross-deployment within the tribunals system, within HMCTS and outside it. A requirement of the cross-deployment was that the given London adjudicator had been assessed as competent under the London appraisal scheme and that they took part in a full TPT training day (see 4.1.2. below).

The nine adjudicators are familiar with the relevant law and procedures, as well as having experience in using an automated case management system, so were able to start working on TPT's case load seamlessly. The cross-deployment initiative not only shares skills, legal knowledge and expertise, but also serves to ensure that traffic tribunal users, both inside and outside of London, benefit from a more cohesive, consistent approach to the application of the regulations and interpretation of the law.

The nine adjudicators join two others currently appointed to sit in both jurisdictions (see adjudicator list on the following page).

### December 2022 training day

Adjudicators joined together for TPT's training day on 8 December 2022, held in Manchester. The training programme included a presentation from the Judicial College trainer, Leslie Cuthbert, which focused on tribunal skills and topics, such as 'assessing credibility and reliability' and 'bias and assumptions', as well as 'the function of the independent adjudicator', 'natural justice' and 'the impartial hearing'.

There were also technical sessions on the new moving traffic contraventions and the adequacy of signage, as well as the now widespread enforcement of Clean Air Zones. Finally, the newly cross-deployed adjudicators received training on the use of the TPT's digital case management system.

Training meetings allow adjudicators to explore their skills, abilities and capabilities, while bringing the cohort together to discuss and exchange best practice and processes, as well as ideas for innovations and efficiencies that may have been encountered sitting across traffic and other courts and tribunals. The learning experience involved includes interaction and feedback from our administrative support team members, allowing each arm of the TPT to participate and gain from the knowledge sharing.

## 4.2 Appraisal

Taking part in the Tribunal's appraisal scheme is mandatory for TPT adjudicators. Like other courts and tribunals, the TPT's scheme is in place to maintain judicial standards and ensure consistency of practices. Appraisal also helps maintain public confidence in judicial performance and ensures that all adjudicators keep up-to-date with law and regulations, and remain able to demonstrate the competencies necessary for their role.

The Traffic Penalty Tribunal's appraisal scheme is based on the former Judicial Studies Board's *Tribunal Competences: Qualities and Abilities in Action*, tailored for the TPT and updated to reflect the judicial skills and abilities framework issued by the Senior President of Tribunals.

At appraisal, hearings are observed and written determinations discussed, assessing a number of core competencies (see following page).

The expectation is that adjudicators will also find the appraisal process useful, allowing them to receive constructive feedback, raise queries and make suggestions that can benefit the efficiency of the Tribunal.

Issues that may come to light at appraisals are then used to inform the Tribunal's training programme, so that training can be focused, pertinent and of benefit to the adjudicators.

## TPT appraisal competencies

### A: Knowledge and values

To ensure a suitable level of knowledge of the jurisdiction, law and procedure of tribunals, and an understanding of the appropriate principles and standards of the Traffic Penalty Tribunal.

### B: Communication

To ensure effective communication between the adjudicator, parties and members of staff.

### C: Conduct of cases/case management

To ensure the fair and timely disposal of appeals.

### D: Evidence

To ensure that all relevant issues are addressed by eliciting and managing evidence, applying the relevant burden and standard of proof.

### E: Decision making

To ensure effective deliberation, structured decision making and the timely disposal of the case

The appraisal of all adjudicators sitting at the Traffic Penalty Tribunal took place between July and September 2022.

Appraisal takes place a year after appointment and is then repeated on a three-year cycle. The newly cross-deployed adjudicators will be due for appraisal in March 2024, with those appraised in 2022 due for appraisal from July 2025.

## 5. The Adjudicators

### 5.1 Changes and current list

This reporting year saw the retirement of: Chief Adjudicator Caroline Sheppard OBE; adjudicator Stephen Knapp (who served as Deputy Chief Adjudicator under Caroline Sheppard); Margaret Kennedy; Deborah Gibson; Edward Solomons and Shan Cole. We thank them for their long-standing commitment and contribution to TPT's work, and wish them a long, fulfilling retirement.

Adjudicator Paul Pearson, who retired from the Tribunal in April 2022, sadly passed away and is missed by colleagues who remember his good humour and wisdom.

Finally, we congratulate adjudicator George Lubega on his appointment as a District Judge and thank him for his solid commitment to TPT over the years. Adjudicator Anwen Lewis has also departed and we thank her for her work.

The current list of adjudicators is as follows:

**Philippa Alderson\***  
**Andrew Barfoot**  
**Davin Binns**  
**Teresa Brennan\***  
**Michael Burke\***  
**Katherine Cartwright**  
**Joanne Coombe\***  
**George Dodd\***  
**Gillian Ekins\***  
**Cordelia Fantinic\***  
**Bhopinder Gandham**  
**Joanne Garbett**  
**Natalie Goffe\***  
**Toby Halliwell**  
**Caroline Hamilton\***  
**Martin Hoare**  
**Annie Hockaday**  
**Judith Ordish**  
**Belinda Pearce\***  
**James Richardson**  
**Mackenzie Robinson**  
**Timothy Thorne\***  
**Sarah Tozzi**  
**Rhys Williams**  
**Jill Yates**

\*Also London Tribunal Adjudicators



## 5.2 Former Chief Adjudicator, Caroline Sheppard OBE, in Q&A

**Caroline Sheppard OBE was responsible for establishing the first decriminalised tribunals addressing parking and other traffic appeals in England and Wales.**

This was achieved first in her role as Chief Adjudicator at the Parking Appeal Service in London in 1992, then replicated as Chief Adjudicator at the National Parking Adjudication Service (now the Traffic Penalty Tribunal) from 1999.

Caroline was ultimately responsible for the TPT's innovative end-to-end digital case management system, held up as an exemplar by senior members of the judiciary, leading academics and legal commentators, globally. In 2017, she was awarded the OBE for her services to motorists.

Caroline retired as Chief Adjudicator at the TPT in 2022, but remains actively engaged in dispute resolution and justice reform. Here we catch up with her on what she has been up to and her thoughts, looking back.

**Q. What is keeping you busy at the moment?**

**A.** Retirement has not been as relaxing as I thought it would be. I was worried that I would be at a loose end, but I have been keeping very busy.

I am a member of the Administrative Justice Council, which has oversight of the whole of the administrative justice system, and I am currently chairing a working party looking at the digitalisation of the Court and Tribunal systems, with a view to promoting practical and accessible processes. I am also a member of 'Justice', the law reform and human rights organisation, and am currently engaged in discussions regarding the legal framework around private parking.

**Q. What are your memories of setting up the decriminalised appeal systems?**

**A.** Starting afresh, without any legacy, meant I could adopt an approach that focused on the users' needs, creating an appeal system that was accessible and user-friendly from scratch. The Traffic Penalty Tribunal was created with a focus on the values of the judiciary and due process principles, without the unnecessary burdens of officialdom and inherited practices that usually plague tribunals. With such a fresh start there is a huge benefit to progress and innovation. We were also fortunate to have a joint committee (now Parking and Traffic Regulations Outside London [PATROL]) that was united and entirely supportive of the independent tribunal.

**Q. What were the main challenges?**

**A.** Designing an inclusive system, accessible to users and reflecting their needs, was paramount, and moving from dealing with 33 London Boroughs to a nationwide body of 300+ councils (including in Wales) was a scale that required a high-level of organised thinking and planning.

**Q. Is there anything you would have done differently on reflection?**

**A.** Probably lots of things! The systems were set up relatively intuitively in an agile manner. I am certainly proud of leaving a female-centric heritage and pleased that TPT and PATROL remain organisations led by women.

Further information on Caroline Sheppard's achievements can be found at: <https://www.trafficpenaltytribunal.gov.uk/caroline-sheppard-obe-to-retire-as-chief-adjudicator/>



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