



Reference: FOI0863

Request:

Query 1: I would like to request a copy of all policy and guidance documents that are available to council officers who are tasked with considering the question of whether a Penalty Charge Notice should be cancelled. For the avoidance of doubt, this request covers any policy that is published or otherwise publicly available, plus any internal council guidance or policy that is only available internally to council staff (such as any internal policy that outlines in what circumstances the council may exercise its discretionary powers to cancel a PCN).

North Tyneside Council utilise an external software letter generation product supplied by Barbour Logic, called Response Master. The Council's enforcement policies are configured into the system to produce a decision/response based on options selected by the Appeals Officer using information provided in the motorists appeal.

The system generates a response based on the policies that were configured into the software at the time of implementation. When setting up the system, an extensive exercise with the software provider was carried out indicating the policies that the Council follow in specific circumstances e.g. do the Council cancel on the first occasion if a valid Blue Badge is provided – this is then utilised to build the policy configuration that determines the response based on the option selected i.e. has the motorist provided a valid Blue Badge with their appeal. As we installed the software over 6 years ago, we do not have copies of the tick box exercise that was undertaken.

There is no requirement in the legislation to provide a separate Enforcement Manual that is available to the public to indicate what the Council would do in specific circumstances, mainly due to the endless number of situations that could be included – it is rare that an appellant cites only one mitigating circumstance in an appeal.

I am aware that some Enforcement Authorities have produced a enforcement document as a guide, North Tyneside Council do not hold a document of this nature.

If we decide to amend an enforcement policy to reflect changes in legislation or at the request of the Cabinet Member i.e. extend the grace period after the parking charge has expired, then we simply instruct Barbour Logic to make the change and they update the software.

The Council current Consolidation Orders are attached, the exempt vehicles are listed in the Articles. For your guidance, attached are the current Consolidation Orders. There are various variation orders made after the Consolidation Orders

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being Made that may vary some of the contents. Consolidation Orders can be viewed at <https://tro.trafficpenaltytribunal.gov.uk/>

Query 2: Please could you also disclose the training material that is used to train the council officers who make decisions regarding the cancellation of PCNs. This should cover only training material that is directly relevant to their role in deciding whether a council PCN should be cancelled, any other training material (such as generic council training, health and safety, GDPR or training related to other roles or functions) is not within the scope of this request.

Again for the avoidance of doubt, both queries above cover policies and training material available to council officers who deal with informal representations, formal representations and appeals to the tribunal.

Due to the nature of the system used Staff receive training on how the system works not on the policies that it uses to generate the response. The authority is confident that all staff, irrespective of experience, can create a consistent response based on what information is provided in the appeal by the motorist.

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