

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR INFORMATION

DATE: 27th January 2009

AGENDA ITEM Number 7

SUBJECT: General Progress and Service Standards

JOINT REPORT OF: The Lead Officer
On behalf of the Advisory Board

PURPOSE OF REPORT

To report to the Committee on progress in respect of: (a) the take up of civil enforcement of bus lanes powers by Councils in England [outside London]; (b) service standard performance.

RECOMMENDATIONS

It is recommended that the Committee:

- [i] Note the information in respect of the take up of civil bus lane enforcement powers.
- [ii] Note the performance attained against the agreed service standard indicators.

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BACKGROUND

1.0 INTRODUCTION

1.1 The Bus Lane Adjudication Service Joint Committee (BLASJC) will be informed of the current take-up of Civil Bus Lane Enforcement powers.

1.2 The service standard performance indicators are reported.

2.0 TAKE UP OF CIVIL BUS LANE ENFORCEMENT POWERS

2.1 The following local authorities are party to the BLASJC Agreement:

Bath and North East Somerset Council	Reading City Council
Brighton and Hove City Council	Oxfordshire County Council
Essex County Council	Sheffield City Council
Hampshire County Council	Nottingham City Council
Manchester City Council	Stockton on Tees Borough Council

3. ADMINISTRATIVE TARGETS

3.1 Two indicators give an indication of availability and responsiveness for the service: acknowledgement of appeals and telephone response times. As an integrated tribunal, no distinction is made between the response to bus lane and parking related telephone calls. Details in relation to acknowledgement of appeals are given in Table 1 below.

TABLE 1: ACKNOWLEDGEMENT OF APPEALS

PERIOD	% of appeals acknowledged within 2 working days	TARGET
September to December 2006	95%	95%
2007	88%	95%
January to June 2008	93%	95%
July to September 2008	93%	95%

4. SERVICE STANDARDS – PERFORMANCE INDICATORS

4.1 The Bus Lane Adjudication Service agreed to adopt the same performance indicators as are used for parking appeals. Table 2 shows the figures for 2006.

TABLE 2: 2006 PERFORMANCE

PERIOD	% OF POSTAL APPEALS DECIDED WITHIN 42 DAYS	TARGET	% OF PERSONAL APPEALS DECIDED WITHIN 56 DAYS	TARGET
Sept-Dec 2006	100% (3 Decided PCN appeals)	80%	N/A (0 Decided PCN appeals)	80%

4.2 The Joint Committee at its meeting on 30th June 2007 approved the introduction of revised service standards as follows:

Personal Hearings

60% of cases to be offered a personal hearing date within 8 weeks of receipt of the Notice of Appeal.

90% of cases to be offered a personal hearing date within 12 weeks of receipt of the Notice of Appeal

Postal Decisions

80% of postal decisions to be made within 7 weeks of receipt of the Notice of Appeal.

These standards are reflected Tables 3 and 4 and below.

TABLE 3 : POSTAL CASES¹

Year	Postal Actual	Target 80% of postal cases to be decided within 7 weeks
2007	56.46%	80%
Jan –June 2008	60.87%	80%
July – Sept 08	89.86%	80%

¹ The postal figures relate to cases registered during the period that have been decided by the adjudicator.

4.3 Table 3 indicates that the percentage of postal decisions being made within 7 weeks has increased beyond the target of 80% (89.86%) for the period July to September.

TABLE 4: HEARINGS

Year	Hearings Offered within 8 weeks of registration ²	Target	Hearings Offered within 12 weeks of registration	Target
2007	44.68%	60%	74.47%	90%
Jan – June 08	33.33%	60%	62.92%	90%
July –Sept 08	28.57%	60%	71.42%	90%

² The hearing figures relate to cases registered during the period that have been offered a personal or telephone hearing within the target period.

4.4 Table 4 points to a reduction in the personal cases being offered a hearing within 8 weeks of registration, however the number of cases being offered a hearing within 12 weeks has increased from 62.96% in January to June to 71.42% in July to September against a target of 90%.

4.5 To illustrate in more detail, the performance information for personal and telephone hearings for July to September 2008 is broken down in to case by case detail in Table 5

TABLE 5: BREAKDOWN OF HEARINGS IN JULY TO SEPTEMBER 2008

Case	Type of Hearing	Weeks between registration to first hearing offered	Comment where number of weeks exceeds 12
Brighton and Hove 1	Telephone	28	Brighton & Hove bus lane appeals were selected for a pilot initiative for video-conferencing appeals. Regrettably the shared arrangements anticipated with the Magistrates' Court have proved difficult to organise. The cases were then listed as a telephone hearing.
Brighton and Hove 2	Telephone	12	As above
Brighton and Hove 3	Telephone	9	
Brighton and Hove 4	Telephone	11	
Brighton and Hove 5	Telephone	9	
Brighton and Hove 6	Personal	18	As above
Manchester 1	Personal	4	
Manchester 2	Personal	9	
Manchester 3	Telephone	10	
Manchester 4	Personal	5	
Manchester 5	Telephone	10	
Manchester 6	Personal	12	
Nottingham 1	Personal	14	Listed at next available hearing in Nottingham.
Nottingham 2	Personal	14	Listed at next available hearing in Nottingham.
Nottingham 3	Telephone	5	
Oxfordshire 1	Telephone	9	
Reading 1	Telephone	12	
Reading 2	Telephone	8	
Reading 3	Telephone	14	Listed at next suitable hearing for the Appellant in Reading.
Reading 4	Telephone	8	
Reading 5	Personal	5	

4.6 Table 4 indicates that during the period July to September 2008, there were a total of 21 cases registered with the tribunal, of these 6 were offered hearings within 8 weeks, 15 were offered within 12 weeks and 6 were offered hearings beyond 12 weeks. The individual circumstances relating to the latter are shown in the comments column above.

4.7 When comparing personal hearing times and telephone hearings times, cases with personal hearings saw an average of 10 weeks between registration and the first hearing offered. Telephone hearings saw an average of 11 weeks. However it should also be noted that telephone hearings are arranged on a bespoke basis with both appellants and councils and will be determined by their availability.

5. DISPOSAL OF APPEALS

5.1 The hearing targets above were introduced as a measure of customer service in relation to how quickly appellants and councils were offered a hearing. An alternative means of measuring tribunal performance is time taken to close cases.

5.2 Taking the period 1st April to 30 September, Table 5 sets out performance in relation to case closure.

Table 6: DISPOSAL OF CASES³ WHERE HEARING TOOK PLACE APRIL TO SEPTEMBER 2008

Performance Measure	Personal Hearings	Telephone Hearings
Average no of weeks between registration and decision being sent out.	12.69	14.44
Cases with less than 8 weeks between registration and decision sent out	4	1
Cases with less than 12 weeks between registration and decision sent out	7	3
Cases with more than 12 weeks between registration and decision sent out.	9	6

³ Where case has been closed.

5.3 When considering both performance against first hearing offered and disposal of cases, it is only possible to accurately report once all cases registered during the period under consideration have been decided. A full report of performance in relation to hearings and case disposal for cases registered in 2008 will be presented to the full Joint Committee in June 2009.

6. BUS LANE ADJUDICATION AS A NEW AREA OF JURISDICTION

- 6.1 Bus Lane Adjudication is a relatively new area of jurisdiction for the tribunal and it is recognised that whilst the performance indicators associated with parking were adopted for bus lanes, parking is a more established jurisdiction and it was anticipated that there would be a lead in time before similar levels of performance could be achieved for bus lane adjudication. The reasons for this include:
- a) Because from the outset a telephone appeal was available on the bus lane Notice of Appeal forms, the cases where a telephone hearing had been requested were organised on a case by case basis with the bus lane co-ordinator fixing the hearing after consulting both the Appellant and the Council concerned as to a suitable date and time for a hearing. This contrasts with listing 'personal' hearings whereby a case is listed in the next available date for a particular venue and if that date turns out to be unsuitable for either party the case will then be adjourned to a further date. Therefore statistics relating to personal hearings relate to the first date that is offered by the Tribunal (but may be adjourned) whereas each telephone hearing is a 'bespoke' arrangement.
 - b) It emerged after a few appeals from each bus lane enforcement authority that there were 'hot-spots'. It became apparent that in each authority there was at least one particular location that had generated a significant number of Penalty Charge Notices and, inevitably, appeals. These related either to signing or to misunderstandings as to the classes of vehicles that were allowed to use the bus lane (where the term 'bus lane' is used it also refers to 'bus route', 'bus gate' and 'bus only' street). It is an important principle that cases involving the same issues are consolidated in order to result in a consistent outcome. Therefore where the Traffic Penalty Tribunal system identified cases involving the same location they would be consolidated together (although, for various reasons, some cases would not have been picked up by the system). Therefore as more cases were registered relating to the same location the hearings of the earlier cases were stayed to enable the group of cases to be determined together. This resulted in the overall target date being unachievable with respect to cases that required to be consolidated.

- c) Initially there were technological difficulties whereby Adjudicators could only view the video clips from the system available at the Manchester office. Therefore the cases were processed for the Manchester Adjudicators to deal with and where there was to be a hearing away from Manchester special arrangements needed to be made. This difficulty has now been resolved.

7. CONCLUSIONS

- 7.1 The first six months of bus lane appeals coincided with the trial period for telephone appeals. There has been very positive feedback from both Appellants and Council officers both in relation to parking telephone appeals and bus lane telephone appeals. The purpose of a pilot study was to assess the judicial impact and operational consequences of telephone appeals. Furthermore it has now been identified that the bespoke arrangements involved in fixing each individual telephone hearing has affected the target for 'offering' a first hearing date; on the positive side the number of cases that have been adjourned has significantly dropped.
- 7.2 The Committee is requested to note the performance attained so far against the agreed service standards. In the circumstances it is important to reconsider the appropriate target pledges for the disposal of bus lane appeals in the light of the data that we now have in relation to the light of experience to date and the report referred to at 5.3.