

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 26th June 2007

AGENDA ITEM Number 9

SUBJECT: General Progress and Service Standards

JOINT REPORT OF: The Lead Officer

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 during 2006/2007.

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.
- [iii] Approve the revised service standards for personal hearings:
 - a) 60% of cases to be offered a personal hearing date within 8 weeks of receipt of the Notice of Appeal.
 - b) 90% of cases to be offered a personal hearing date within 12 weeks of receipt of the Notice of Appeal.
- [iv] Approve the revised service standard for postal hearings
80% of postal decisions to be made with 7 weeks of receipt of the Notice of Appeal

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BACKGROUND DOCUMENTS

Minutes of the BLASJC Committee Meeting held on 29th January 2007

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 latest information regarding the current take up of the bus lane enforcement.

The following local authorities are party to the BLASJC Agreement:

City of Manchester	Hampshire County Council
Brighton and Hove Council	Sheffield City Council
Nottingham City Council	Reading Borough Council

Of these local authorities: Reading Borough Council, City of Manchester and Brighton and Hove Council have commenced enforcement as follows:

Reading Borough Council	September 2006
Manchester City Council	October 2006
Brighton and Hove Council	March 2007

New councils becoming party to the agreement include:

Essex County Council	October 2006
Oxfordshire County Council	March 2007
Bath and North East Somerset	April 2007

3.0 SERVICE STANDARDS - PERFORMANCE INDICATORS

3.1 To date, 42 cases have been registered. Two performance indicators will be used that measure how swiftly these are being processed between the appeal being received and the adjudicators' decision being issued. The two indicators are 80% of postal appeals to be decided within 42 days, and 80% of personal appeals to be heard within 56 days.

Table 1 Hearing Times

PERIOD	% OF POSTAL APPEALS DECIDED WITHIN 42 DAYS	TARGET	% OF PERSONAL APPEALS HEARD WITHIN 56 DAYS	TARGET
Sept-Dec 2006	100% (3 Decided PCN appeals)	80%	N/A (0 Decided PCN appeals)	80%
Jan-March 2007	44% (18 decided PCN appeals)	80%	15% (13 Decided PCN appeals)	80%

3.2 Two indicators give an indication of availability and responsiveness for the service. As handling of the appeals is so, far as possible integrated, no distinction is made between our response to bus lane or parking related telephone calls (see Appendix 1 for information in this respect). Details of performance in respect of appeal acknowledgement are given in Table 2 below.

TABLE 2: Appeal Acknowledgement

PERIOD	% of appeals acknowledged within 2 working days	TARGET
September to December 2006	95% 21 Cases	95%
January to March 2007	100% 21 Cases	95%

3.3 The Committee is requested to note the performance attained so far against the agreed service standards.

- 3.4 At the BLASJC meeting on 30th June 2007, it was agreed that the same performance standards would be adopted for the BLASJC as for the National Parking Adjudication Service Joint Committee. A report to the National Parking Adjudication Service Joint Committee has recommended a revision to the performance standards for personal hearings and postal decisions as follows. Background to this recommended in Appendix 2.
- 3.5 These three performance standards will accurately reflect the judicial handling of appeals and the provision of a nationwide adjudication service, focusing on accessibility for the appellant and council. The Bus Lane Adjudication Service Joint Committee is recommended to approve the above revisions to the service standards as set out in Appendix 2.

Appendix 1

Performance in responding to telephone calls.

PERIOD	%of phone calls answered within 15 seconds	TARGET
2002/3	96%	80%
Year 2003	96%	80%
Year 2004	97%	80%
Year 2005	97%	90%
	(up to Aug 05)	
Year 2006	98%	90%
	(Since October)	
Year 2007 to April	98%	90%

NB: These apply to calls both in respect of parking and bus lane appeals.

Appendix 2

Background information to revised service standards

Introduction

By way of background information, the original performance standards for parking appeals were based on standards for the London adjudication service where personal appeals are held in one central location with adjudicators based there on a permanent basis. Clearly the London adjudication service has a concentrated high level of appeals in a relatively small area which enables this arrangement to work effectively.

Personal Hearings

The National Parking Adjudication Service and Bus Lane Adjudication Service is providing a very different type of service to the parties to the tribunal. It provides access to personal hearings across England (parking and bus lane appeals) and Wales (parking appeals) to ensure local accessibility. In some rural areas the number of appeals will be relatively small and it can prove difficult to establish a viable list of hearings. In these circumstances some appellants opt for a postal decision, or more recently a telephone hearing. However some prefer to wait for the opportunity to present their case in person to the adjudicator. In this respect, the performance targets associated with a national service need to reflect these differences in delivery.

Furthermore, it must be recognized that a target based on percentages necessarily means that when a case takes one day longer (i.e. 57 days) before a hearing is scheduled, then it has “failed”.

In 2006, a procedural change in the handling of not contested appeals (which constitute around 30% of parking appeals in 2006) took place. Not contested appeals prior to 2006 had been handled administratively and swiftly. From 2006 onwards they are considered by an Adjudicator and the new Case Management System automatically classifies what originally would have been a personal hearing as a postal decision as there is no further requirement for the parties to be present at a hearing. The buffer of not contested personal appeals prior to 2006, provided by the swift administrative closure of appeals balanced out those appeals which took longer to reach a hearing e.g. because of, for example, a rural location for the hearing or the complexity of the case .

By way of comparison, where Not Contested appeals were removed from the 2005 personal hearing data, this had the impact of reducing the performance reported in Table 1 from 93% to 53%. This is more consistent with the performance reported for 2006 and 2007.

It is therefore recommended that, in the light of the above findings, the performance standards are revised to reflect the actual operating conditions of delivering personal hearings in a nationwide adjudication service. The proposal is to have two performance standards for personal hearings:

- a) 60% of cases to be offered a personal hearing date within 8 weeks of receipt of the Notice of Appeal.
- b) 90% of cases to be offered a personal hearing date within 12 weeks of receipt of the Notice of Appeal.

Postal Decisions

The performance standards for postal decisions have, to date, been set at 80% of postal decisions to be made within 42 days (6 weeks). This performance standard needs to be reviewed to take into account new arrangements for appeal evidence. Currently the date by which both councils and appellants are requested to submit their evidence set at 21 days from the Notice of Appeal for both councils and appellants. The regulations state that appeals cannot be decided prior to day 28 and the case management system is presently set up to allow postal cases to be decided on day 28.

It has come to the Adjudicators' attention that appellants have experienced difficulties because both parties are required to submit their evidence by day 21 and, in some cases, the appellant has not had the opportunity to respond to the council's evidence relating to their appeal where this has been submitted on or just before day 21. Adjudicators have always agreed to a postponement of the determination of the case for a further 28 days to allow the appellant time to consider council evidence.

A change to the performance target would have the effect of providing an additional seven days in the process to enable the appellant to comment on the council evidence. This will reduce the need to postpone so many cases and will have the ultimate effect of speeding up the overall process. Therefore it is proposed that the performance target for postal appeals is revised to 80% of postal decisions to be made within 49 days (i.e. 7 weeks).