

# **BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE INAUGURAL MEETING**

**To be held at 11.30 a.m. on Friday 30<sup>th</sup> June 2006.  
In The National Motorcycle Museum,  
Coventry Road, Bickenhill, Solihull, B92 0EJ.**

## **AGENDA**

### **PART A**

- 1. APOINTMENT OF CHAIR AND VICE CHAIR**  
To appoint Members to serve as Chair and Vice Chair of the Joint Committee.  
(These appointments to be effective until the Annual meeting in June 2007)
  
- 2. ACCESS TO INFORMATION ACT**  
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
  
- 3. DECLARATIONS OF PECUNIARY / NON-PECUNIARY INTERESTS**  
To allow Members an opportunity to [a] declare personal or prejudicial interests in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; and [c] the existence and nature of any party whipping arrangements in respect of any item to be considered at this meeting.  
Members with a personal interest should declare that interest at the start of the item under consideration. If members also have a prejudicial interest they should withdraw from the meeting during the consideration of the item.
  
- 4. STANDING ORDERS, FINANCIAL REGULATIONS, AND OTHER JOINT AGREEMENT PROVISIONS**  
The Agreement provides the Standing Orders and Financial Regulations of the Joint Committee; accordingly the Committee is requested to adopt them.  
**[Documents Enclosed]**

**5. LEAD AUTHORITY**

- a) To note that Manchester City Council has agreed to and has been appointed as Lead Authority for the provision of the goods and services to the Joint Committee;
- b) To agree that the Chief Executive of Manchester City Council be appointed Lead Officer to discharge functions of the Joint Committee as set out in the Scheme of Delegation;
- c) To adopt the Scheme of Delegated Functions to officers for the management of the service. **(Report Enclosed)**
- d) To agree that the City Treasurer of the Lead Authority be appointed as the Joint Committee's Treasurer;
- e) To request the Lead Officer to make the necessary arrangements for the appointment of the Joint Committee's Auditor; and to make the appointment. **(Report Enclosed)**
- f) To agree the appointment of an Advisory Board on the Terms of Reference and comprised of persons detailed in the attached report. **(Report Enclosed)**

**6. CYCLE OF MEETINGS**

To agree that the ordinary meetings of the Joint Committee are to be held in January and June (Annual Meeting) each year. The dates to be agreed by the Lead officer in consultation with the Chair.

**7. REVENUE AND CAPITAL BUDGETS**

To approve the estimates as reported  
**[Report enclosed]**

**8. SERVICE CHARGES**

To consider the enclosed report and to approve the level of service charges  
**[Report enclosed]**

**9. INTEGRATION OF SERVICE PROVISION WITH NPAS AND ADOPTION OF SERVICE STANDARDS**

To provide information in respect of the integration of the service, including staff, accommodation and facilities with the existing NPAS service provision.

To adopt service standard performance indicators in line with those of NPASJC against which the service is delivered.  
**[Report enclosed]**

10. **ADMITTANCE OF OTHER APPROVED LOCAL AUTHORITIES TO THE JOINT COMMITTEE ARRANGEMENT**  
To agree that other bus lane enforcement approved local authorities may be admitted to the joint committee arrangements.  
**[Report enclosed]**
11. **APPOINTMENT OF PROPER OFFICER**  
To agree to the appointment of the Head of Service (NPAS) to fulfil the functions of the "Proper Officer" to the bus lane enforcement adjudication regulations, and to delegate to the Head of Service (NPAS) the appointment of one or more other persons to undertake the duties of the proper officer as their deputy when the proper officer is unable to act.  
**[Report enclosed]**
12. **ORGANISATION TITLE**  
To agree the title under which the organisation that administrates bus lane enforcement appeals will be known to the public.  
**[Report to the NPASJC enclosed]**

### **Part B**

Public excluded and not for publication by virtue of information relating to an individual – LGA 1972 refers  
(Para 1)

13. **APPOINTMENT OF BUS LANE ADJUDICATORS**  
To appoint the NPASJC Chief Parking Adjudicator as Chief Bus Lane Adjudicator, and to appoint the other NPASJC Parking Adjudicators as Bus Lane Adjudicators, coterminous with their parking adjudicator appointments.  
To request the Lead Officer to seek the consent of The Lord Chancellor to these appointments, and make the necessary arrangements..  
**[Report Enclosed]**

**SIR HOWARD BERNSTEIN**  
Chief Executive  
Manchester City Council  
Town Hall, Albert Square,  
Manchester, M60 2LA

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**Agenda Item number 4**

**THE BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE'S**

**STANDING ORDERS**

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1. Chairman Vice-Chairman and Auditors

The BLASJC at its first meeting and subsequently on an annual basis shall (a) elect from one of its representatives a Chairman and Vice-Chairman and (b) appoint Auditors.

2. Duration of Appointments

- (i) Each representative on the BLASJC shall hold office from the date of the first meeting of the BLASJC following his appointment to the date of the next annual meeting of the BLASJC or until his appointment is terminated by the appointing Participating Authority which may be done at any time or until he ceases to be entitled to be a representative of that Participating Authority on a Joint Committee under the constitutional arrangements applicable to that appointing Participating Authority.
- (ii) The Chairman and Vice-Chairman shall hold office until the following Annual meeting but such office shall be deemed to be

vacated if the appointment as a representative on the Joint Committee is terminated by their Participating Authority or if they cease to be entitled to be a representative on a Joint Committee under the constitutional arrangements applicable to that appointing Authority.

3. Servicing and Advice

- (i) It shall be the responsibility of the Lead Officer to convene all meetings of the BLASJC;
- (ii) An Advisory Board may be appointed by the BLASJC comprising the Lead Officer, such other officers of the Participating Authority and other persons appointed by the BLASJC and a representative nominated by the Department for Transport (DFT) to advise the BLASJC on any matter relating to the functions conferred on the BLASJC. The Advisory Board shall be entitled to depute one or more of their number to attend and advise at meetings of the BLASJC.

4. Meetings and Agenda

- (i) A meeting of the BLASJC may be called at such date, time and place:
  - a) at the instance of the Chairman; or
  - b) as may be determined by the BLASJC; or

- a. by a requisition, signed by not less than one half of the representatives of the BLASJC delivered to the Lead Officer at least ten working days before the date of the meeting.
- b. At the instance of the Lead Officer

Provided that the BLASJC shall meet at least once every year (the Annual Meeting).

The summons to any meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

- (ii) At every meeting of the BLASJC the Chairman, if present, shall preside. If the Chairman is absent the Vice-Chairman, if present, shall preside. If both the Chairman and Vice Chairman are absent the meeting shall elect a Chairman from one of its representatives. For the purposes of these Standing Orders references to the Chairman, in the context of the conduct of business at meetings, shall mean the person presiding under the Standing Order.
- (iii) Any Participating Authority acting through its representative on the Joint Committee or through an Advisory Board Representative may give written notice of an item to be placed on the Agenda of the BLASJC. All notices of items for agendas must be received by the



Lead Officer not less than fifteen working days prior to the meeting to which the agenda relates.

- (iv) Each of the Participating Authorities and every Advisory Board representative shall be entitled to receive a copy of the Agenda, papers and minutes of the proceedings of the BLASJC.
- (v) The Lead Officer shall not less than seven clear days before the intended meeting of the BLASJC: -
  - (a) Circulate a notice thereof to each Participating Authority representative on the BLASJC and to the nominated officer of each Participating Authority, accompanied by a notice of the business to be transacted. Provided that the failure of any such notice to be delivered shall not affect the validity of the meeting or of the business transacted thereat.
  - (b) Publish notice thereof in the London Gazette or such other daily national publication as may be specified by the Lead Officer. Provided Always if not published in the London Gazette the Lead Officer shall give 14 days notice in writing to the Participating Authorities of the name of newspapers in which the notice of meetings is to be published.
- (vi) Deputations shall be entitled, upon prior notification being given to the Lead Officer and at the discretion of the Chairman, to attend and address the meeting for not more than ten minutes and to

answer questions from representatives on the BLASJC for a further ten minutes.

- (vii) A representative of the DFT may attend the meetings of the BLASJC as adviser of the BLASJC and may participate fully on all items of business but not vote.

5. Substitute Members

If a representative of the BLASJC is unable to be present at a meeting of the BLASJC, that Participating Authority may be represented by a substitute duly appointed by that Participating Authority for the purpose in accordance with their own constitutional arrangements and whose name has been duly notified in writing to the Lead Officer of the BLASJC by the nominated Officer of the Participating Authority concerned at least 24 hours prior to the Committee meeting. A substitute attending a meeting of the BLASJC shall declare and vote as the Participating Authority representative on the BLASJC. No substitute representative may attend any meeting at which the representative for which he is substitute is present.

6. Attendance Record

At every meeting each representative attending shall record such presence on the attendance sheet or other form of record provided by the Lead Officer.

7. Order of Business

- (i) The order of business at every meeting shall be:



- (a) to approve as a correct record the minutes of the last meeting;
  - (b) to dispose of business (if any) remaining from the last meeting;
  - (c) to receive and consider reports prepared for the BLASJC
- (ii) The Chairman shall have discretion to alter the order in which business is taken at the meeting.

8. Minutes

- (i) Minutes of every meeting of the BLASJC or any Subcommittee shall be submitted to and signed at the next following meeting of the body concerned.
- (ii) The Chairman shall put the question that the minutes submitted be approved as a correct record of the meeting in question.
- (iii) No other motion or discussion shall take place upon the Minutes except upon their accuracy. If no such question is raised or if it is raised, then as soon as it has been disposed of, the Chairman shall sign the Minutes.

9. Sub-Committees

- (i) The BLASJC shall be entitled to appoint such Sub-committees as it thinks fit.
- (ii) The composition of all Sub-committees shall be such as to reflect the balance of political parties or groups on the BLASJC in accordance with Part 1 of the Local Government and Housing Act 1989 save that no representative may be appointed to a Sub-committee unless willing to serve.

10. Voting

- (i) Each representative (or if absent the named substitute) shall be entitled to one vote on each question to be decided. Subject to paragraph 10 (iii), every question shall be determined by a show of hands and shall be determined by a simple majority.
- (ii) In the case of an equality of votes, the Chairman shall have a second or casting vote.
- (iii) On the requisition of any representative made before any vote is taken on a motion or an amendment, the voting shall be recorded so as to show how each representative present and voting voted. The name of any representative present and not voting shall also be recorded.

11. Quorum

- (i) The quorum of the BLASJC shall be one tenth of the number of the Participating Authority representatives but in any event not less than three, and the quorum of a Sub-committee shall be one quarter of the number of members of the Sub-Committee.
- (ii) For the avoidance of doubt non-attendance of the representative appointed by the DFT shall not render the meeting inquorate nor shall he be counted in deciding whether a quorum has been established.
- (iii) No business can be transacted at any meeting unless a quorum is present.

12. Rules of Debate

- (i) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (ii) A representative shall address the Chairman and direct any speech to the question under discussion. If two or more representatives indicate they wish to speak the Chairman shall call on one to speak first.
- (iii) An amendment shall be:
  - (a) to leave out words
  - (b) to leave out words and insert or add others
  - (c) to insert or add wordsbut any such amendment must not have the effect of introducing a new proposal into or of negating the original motion
- (iv) A representative shall not speak for longer than 5 minutes on any matter without the consent of the BLASJC.
- (v) No representative shall address the BLASJC more than once on any issue, but the mover of an original motion may reply, in which reply no new matter shall be introduced, but the reply shall be confined strictly to answering the previous observations.
- (vi) A representative may claim to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified standing order and the way in

which the representative raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by him in the current debate, which may appear to have been misunderstood. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

- (vii) If an amendment is rejected other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any other amendment may be moved.
- (viii) A further amendment shall not be moved until the BLASJC has disposed of every amendment previously moved, provided that the Chairman shall have discretion to allow debate to take place on two or more amendments.
- (ix) A representative at the conclusion of a speech of another representative may move without comment:-
  - (a) that the question be now put
  - (b) that the debate be now adjourned
  - (c) that the BLASJC proceed to the next business
  - (d) that the BLASJC do now adjourn

If such a motion is seconded, the Chairman, shall, subject to the mover's right to reply, put the motion to the vote, and if it is carried:

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In case (a) – the motion then before the meeting shall, subject to The right of reply, be put to the vote; or

In case (b) – the debate on the motion then before the BLASJC shall stand adjourned until the next ordinary meeting of the BLASJC; or

In case (c) – the motion then before the BLASJC shall be regarded as lost and the BLASJC shall proceed to the next item on the Agenda, if any; or

In case (d) – the meeting shall stand adjourned.

- (x) If the Chairman is of the opinion that the matter before the BLASJC has been sufficiently discussed he may put the motion that the question now be put
- (xi) The Chairman shall decide all questions of order and any ruling by the Chairman upon such questions and the interpretations of these Standing Orders, and upon matters arising in debate shall be final and shall not be open to discussion.

13. Admission of Public to Meetings

All meetings of the BLASJC shall be open to the public (including the Press) except to the extent that they are excluded whether during the whole or part of the proceedings either:-

- (i) In accordance with Section 100A(2) of the Local Government Act 1972; or
- (ii) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

14. Disorderly Conduct

- (i) If the Chairman is of the opinion that a representative has misconducted, or is misconducting himself by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the BLASJC he may notify the meeting of that opinion and may take any of the following action either separately or in sequence:-
  - (a) he may direct the representative to refrain from speaking during all, or part of the remainder of the meeting
  - (b) he may direct the representative to withdraw from all or part of the remainder of the meeting



- (c) he may order the representative to be removed from the meeting
  - (d) he may adjourn the meeting for such period as shall seem expedient to him
- (ii) In the event of general disturbance which, in the opinion of the Chairman, renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power invested in the Chairman, may without question, adjourn the meeting of the BLASJC for such periods as in the Chairman's discretion shall be considered expedient.

15. Disturbance by Members of the Public

If any member of the public interrupts the proceedings at a meeting of the BLASJC, the Chairman may warn that person to stop. If the person continues the interruption, the Chairman may order that person's removal from the meeting. In the event of general disturbance in the part of the room provided for the public, the Chairman may order that part to be cleared.

16. Urgent Business

- (i) If at any time the Lead Officer considers any matter is urgent and should be decided upon prior to the next meeting of the BLASJC then he shall consult the BLASJC's Chairman. If the Chairman agrees the matter is urgent, then the Lead Officer shall be empowered to make the decision in accordance with such

recommendation, subject to the decision being recorded in writing and signed by the Lead Officer to the BLASJC.

(ii) All decisions taken under this Standing Order shall be reported to the next meeting of the BLASJC.

17. Rescission of Preceding Resolution

No motion to rescind any resolution passed at the meeting and no motion or amendment to the same effect shall be proposed at that meeting.

18. Delegation of Functions

The BLASJC may delegate to officers such of their functions as are permissible under statute and may, in relation to any of those functions, require that the exercise of those functions be subject to such conditions as the BLASJC deems fit to impose.

19. Variations and Revocation of Standing Orders

Any motion to vary or revoke these Standing Orders shall require confirmation at the next ordinary meeting of the BLASJC before the proposed variation or revocation shall be considered to be effective.

20. Interests of Participating Authority representatives in Contracts and Other Matters

The following code of conduct in relation to the interests of representatives in Contracts and other matters shall apply save that if any Participating Authority adopts a Code of Conduct pursuant to the provisions of section 51 of the Local Government Act 2000 then that Code shall apply with respect to the representative of that Participating Authority: -

- (i) Where any Participating Authority representative has given a general notice of a pecuniary interest of his or of his spouse, and is thereby relieved of the statutory duty to declare that interest at a meeting at which a contract or other matter affecting that interest is to be considered, he shall nevertheless orally remind the meeting of that interest. Any such reminder shall be recorded in the minutes of the meeting.
- (ii) Where any Participating Authority representative has declared a pecuniary interest in a contract, grant, proposed contract or other matter, whether by giving a general notice or by making an oral declaration at a meeting, he shall withdraw from the room in which the meeting is being held while the matter is under consideration unless:
  - (a) the disability to discuss, or vote upon any matter arising from the contract or other matter has been removed by the Secretary of State under Section 97 of the Local Government Act 1972; or
  - (b) the contract, grant, proposed contract or other matter is under consideration by the meeting as part of the report or minutes of a subcommittee (in the case of a meeting of the BLASJC) and is not itself the subject of debate.
- (iii) Any person, other than an officer of the BLASJC, who is appointed to do anything in connection with the BLASJC or subcommittee

which enables him to speak at meetings of the BLASJC or subcommittee shall make the same disclosures of pecuniary interests, and shall withdraw from the room in which the meeting is being held on the same occasions, as he would have to do if he were a representative of the BLASJC or subcommittee.

21. Interests of Officers in Contract and Other Matters

- (i) In addition to his duty under Section 117 of the Local Government Act 1972 if it comes to the knowledge of any officer that he has a disclosable pecuniary interest in any contract which has been or is proposed to be, entered into by the BLASJC, or in some other matters which is to be considered by BLASJC or subcommittee, he shall as soon as practicable, give notice in writing to the Lead Officer of the fact that he is interested therein.
- (ii) For the purpose of this standing order, a disclosable pecuniary interest is an interest that, if the officer were a representative of the BLASJC and if the contract or other matter were to be considered at a meeting of the BLASJC at which he were present, he would have to disclose it under Section 94 of the Local Government Act 1972.
- (iii) The Lead Officer shall record in a book to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer under Section 117 of the Local Government Act 1972 or paragraph (i). The book shall, during the ordinary office hours of the Lead

Authority be open for inspection by any representative of the BLASJC.

- (iv) Where an officer submits a report to a meeting on a matter in which he has declared an interest under Section 117 of the Local Government Act 1972 or paragraph (i) he shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- (v) Where any officer advises orally a meeting of the BLASJC or a subcommittee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of Section 117 of the Local Government Act 1972, or of paragraph (i) he shall remind the meeting orally of that interest.

## 22. Access to Documents, Information and Land

- (h) In addition to the rights of representatives of the BLASJC under Section 100F of the Local Government Act 1972, but subject to paragraph (ii) below, any member of the Participating Authorities shall be entitled on application to the Lead Officer to inspect any document or recorded information in the possession, or under the control, of the BLASJC access to which is necessary for the proper discharge of his functions as a member of that Participating Authority;  
Provided that: -

- (a) no person shall be entitled to inspect any document or have access to any information relating to a matter in which he has a pecuniary interest;
  - (b) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the BLASJC.
- (ii) In the case of any document other than a document to which the rights under Section 100F of the Local Government Act 1972 apply, and if the Lead Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Participating Authority or as a representative of the BLASJC, as the case may be) of the person requesting such access, and there is good reason why access should be refused, he may refuse the person concerned access to the document or information in question.
- (iii) Where a person inspects a document under the rights conferred by Section 100F of the Local Government Act 1972 or this standing order, and the BLASJC may lawfully make a copy of that document, he shall be entitled, on request, to be given a copy of that document provided that:
  - (a) a reasonable charge shall be made for the copy unless the Lead Officer otherwise directs;

- (b) a copy may be refused if the Lead Officer considers that it is impracticable to make a copy.
- (iv) If a representative on the BLASJC or an elected member or officer of the Participating Authorities wishes to have access to land or buildings in the occupation of the BLASJC to which the public do not have access and to which such representative, member or officer does not regularly have access, he shall apply to the Lead Officer. Unless the Lead Officer considers that there are good reasons why such access should not be given, he shall give permission but may attach conditions to that permission including particularly a condition that a specified officer of the BLASJC shall accompany the representative, member or officer.
- (v) If any member of the Participating Authorities or any other representative of the BLASJC is dissatisfied with any determination of the Lead Officer under Section 100F of the Local Government Act 1972 or under this standing order, he may refer the question to the BLASJC which shall, after considering any representations that person or the Lead Officer may wish to make, determine whether or not to uphold the Lead Officer's determination.
- (vi) No elected members or officer of the Participating Authorities and no representative of the BLASJC shall have any claim by virtue of his position:

- (a) to enter any land or buildings occupied by the BLASJC to which the public do not have access or to which such members, officer or representative do not regularly have access except with the permission of the Lead Officer;
  - (b) to exercise any power of the BLASJC to enter or inspect other land or buildings, except where specifically authorised to do so by the BLASJC;
  - (c) to exercise any other power of the BLASJC;
  - (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the BLASJC, or with respect to any goods or services which are being, or might be, purchased by the BLASJC
- (vii) The Proper Officer for the Purpose of Section 100F(2) of the Local Government Act 1972 and for the purposes of this standing order is the Lead Officer.
- (viii) For the purposes of this standing order a person has a pecuniary interest in a matter if, on the assumptions that he were a representative on the BLASJC, and that the matter were to be considered by the BLASJC, he would have to declare the interest under Section 94 of the Local Government Act 1972.
- (ix) Where any information is given to any person (including a member of the Participating Authorities, or any representative of the BLASJC) by the BLASJC or by one of the employees of the Lead



Authority in the course of transacting any business of the BLASJC, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the BLASJC.

23. Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended at any meeting so far as regards any business on the Agenda for such a meeting, providing that the majority of the representatives present and voting so decide.

24. Interpretation and Definitions

In these Standing Orders the following terms shall have the following meanings assigned to them:-

“Approved Local Authority” means a local authority specified in the Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 (as amended) or any other local authority designated as an Approved Local Authority in any order made subsequently under Section 144(3) (b) and (14) of the 2000 Act which has functions conferred on it under Regulation 11 of the Regulations

“The Agreement” means an agreement for Bus Lane Adjudication Service Joint Committee made between The Council of the City of Manchester, Hampshire County Council, Brighton and Hove City Council, Sheffield City Council, Nottingham City Council and Reading Borough Council.

“Participating Authority means any Approved Local Authority then part to the joint arrangements contained the Agreement

“Lead Authority” means such Participating Authority appointed as such pursuant to the Agreement

“Lead Officer” means the nominated officer of the Lead Authority “The Advisory Board” means the Board comprising the Lead Officer and other officers and other persons appointed by the BLASJC and may include sitting in an ex-officio capacity an official nominated by the DFT.

### **FINANCIAL STANDING ORDERS AND**

### **RULES OF FINANCIAL MANAGEMENT**

1. All cheques and other negotiable instruments and all receipts for monies paid to the BLASJC shall be signed endorsed or otherwise executed as the case may be in such manner as the BLASJC Standing Orders and/or Financial Regulations may from time to time specify.
2. Whenever any sum of money is recoverable from or payable by a Participating Authority the same may be deducted from any sum then due or which at any time thereafter may become due to that Participating Authority
3. Upon demand of a Participating Authority the BLASJC will provide reasonable proof that the BLASJC charges are properly based and

this obligation will continue for 18 months after the lawful termination of the arrangements entered into pursuant to this Agreement.

4. The BLASJC shall cause proper books of account to be kept and audited such as are necessary to give a true and fair view of the state of the affairs of the BLASJC and to explain its transactions.
5. The books of account will be kept at the office of the Lead Authority or at such other place as the BLASJC thinks fit and they shall during normal office hours be open to inspection and copying by a Participating Authority
6. The Lead Officer of the Lead Authority shall provide an annual statement each year to the BLASJC identifying the proposed budget for the next financial year which shall be submitted to the BLASJC by no later than 31 day of January for ratification and approval. The BLASJC will also provide timely statements monitoring expenditure against the budget and identifying where appropriate the basis and level of charges to the Participating Authorities
7. The Accounts of the BLASJC shall be prepared to the CIPFA Accounting Standards or similar best practice.
8. The Annual Accounts for the preceding year shall be submitted to the BLASJC for approval not later than 30 June in each year. A copy of the Report of the BLASJC auditor shall be submitted to a subsequent meeting of the BLASJC.



**BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE  
REPORT FOR RESOLUTION**

**DATE:** 30<sup>th</sup> June 2006  
**AGENDA ITEM:** Number 5 (c)  
**SUBJECT:** Scheme of Delegated Functions  
**REPORT OF:** The Chief Executive, Manchester City Council

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**PURPOSE OF REPORT**

To adopt a Scheme of Delegated functions for the Lead Officer and Chief Bus Lane Adjudicator

**RECOMMENDATIONS**

It is recommended that:

[1] The Chief Executive of Manchester as the Lead Authority is designated to perform the functions delegated to the Lead Officer and, if the office of the Chief Executive is absent or otherwise unable to act, the Deputy Chief Executive or other such officer by whom the duties of Chief Executive are being carried out is hereby designated in his place.

[2] The Scheme of Delegated Functions for the Lead Officer and Chief Bus Lane Adjudicator attached to this report are adopted by the Joint Committee.

[3] With the exception of Item 6(IV) of the Scheme of Delegation attached, the functions conferred upon the Lead Officer shall, except in the case of urgency be exercised by him after consultation with the Joint Committee's Advisory Board.

**FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS**

There are no consequences for either the Capital or Revenue budgets.

**CONTACT OFFICERS**

Bob Tinsley, NPAS Headquarters, Barlow House, Minshull Street, Manchester, M1 3DZ. Tel: 0161 242 5252

**BACKGROUND DOCUMENTS**

BLASJC Agreement, 2006

## 1.0 BACKGROUND

- 1.1 The agreement for the establishment of the joint arrangements provides for the Joint Committee to delegate to an officer of any of the Participant Authorities functions they consider appropriate.
- 1.2 The Scheme of Delegation which is used by the National Parking Adjudication Service Joint Committee has been used as a basis for drafting the attached scheme.
- 1.3 The Scheme is capable of amendment from time to time by the Joint Committee in the light of experience and future service development. It provides for the delegations to the Lead Officer all those matters that would be needed to enable the day to day operations of the service to function efficiently and effectively. Judicial matters are recommended for delegation to the Chief Bus Lane Adjudicator including the appointment of part-time Bus Lane Adjudicators with the consent of the Lord Chancellor and the determination of where they shall sit.
- 1.4 It is recommended that with the exception of Item 6 (IV) of the Scheme of Delegation attached, the functions conferred upon the Lead Officer shall, except in the case of urgency be exercised by him after consultation with the Joint Committee's Advisory Board.

30<sup>th</sup> June 2006

**BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**  
**(BLASJC) SCHEME OF DELEGATION TO OFFICERS OF THE**  
**LEAD AUTHORITY AND CHIEF BUS LANE ADJUDICATOR**

**Delegation to the Lead Officer:-**

**1. General**

1. All necessary arrangements for the management of the service including the provision or securing the provision of facilities, accommodation and administrative support for the Bus Lane Adjudicators including and without prejudice to the generality of the foregoing and subject to the following limitations:-

**2. Financial**

- I. Acceptance of the lowest tender or where appropriate to negotiate for the supply of goods, services, materials, equipment, building and civil engineering works, subject to a limit of £250,000 per contract and the acceptance of other than the lowest tender with the agreement of the BLASJC's Treasurer within that limit.
- II. Authority to agree price increases where a price variation clause has been included in a contract subject to the agreement of the BLASJC's Treasurer.
- III. The assignment of a contract or the approval of the appointment of a sub-contractor.
- IV. The acceptance of the tender of a sub-contractor or supplier for the specialist work or material for which a prime cost sum is included in the main contract sum for building and civil engineering works where:-
  - a) The prime cost sum included for any item does not exceed £100,000
  - b) At least four competitive tenders have been invited
  - c) The tender which it is proposed to accept does not exceed the prime cost sum included in the main contract sum, but a tender exceeding the prime cost sum may be accepted with the concurrence of the BLASJC's Treasurer

- V. Subject to the agreement of the BLASJC's Treasurer:-
- a) The writing off of debts which are irrecoverable or losses due to burglaries, break-ins, etc
  - b) The writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment etc
- VI. In consultation with the BLASJC's Treasurer the opening up of petty cash imprest accounts, etc.
- VII. Negotiation and agreement of variations in contracts arising out of statutory requirements.
- VIII. Determination of ex-gratia claims for damage to, or loss of, personal property subject to the approval of the BLASJC's Treasurer for claims in excess of £1,000.
- IX. Disposal of surplus or obsolete equipment, scrap, etc, (except vehicles) to the highest tenderer.
- X. To defend all claims made against the BLASJC and the legal recovery of debts due to the BLASJC.
- XI. To give indemnities on behalf of the BLASJC to organisations for the use of their facilities.
- XII. Responsibility for Capital Investment bids for the refurbishment of property, changes in office layout, replacement of lifts, heating, Information Technology and other equipment and plant, etc.

### **3. Land and Property**

- I. Management and use of land, property, accommodation and facilities.
- II. Repair and maintenance of buildings and upkeep of grounds.
- III. Temporary closure of premises.
- IV. Determination of hours of opening of premises and facilities, including seasonal arrangement and closure during holiday periods.
- V. The approval and completion of property transactions on behalf of the BLASJC including the acquisition and disposal of freeholds, the taking and



granting of leases, easements, wayleaves, rent reviews, and all other estate management issues

VI. VAT

- a) Where appropriate, and in consultation with the BLASJC Treasurer, to elect for VAT status on particular land and property

VII. Vandalism

- a) To take all necessary measures, to prevent vandalism of buildings belonging to or under control of the BLASJC

**4. Miscellaneous**

- I. To determine officer attendance on visits.
- II. To determine officer and Member attendance at Conferences/Seminars, etc (unless held abroad).
- III. To determine Member attendance on visits in consultation with the BLASJC Chairman.
- IV. Production of publications, relating to the service provided, or sale or free distribution to the public.
- V. To control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations including approval of the issue of all official publicity and official publications.
- VI. To arrange for the institution, conduct, prosecution or defence of any claims and/or legal proceedings including the recovery of debts, the instruction of Counsel on behalf of the BLASJC relating to the functions of the BLASJC.
- VII. To take preliminary steps to protect the rights and interest of the NPASJC.
- VIII. To prepare and arrange for the entering into of contracts and the execution of documents on behalf of the BLASJC.
- IX. To carry out any functions conferred on the Lead Officer by virtue of the Standing Orders and Financial Regulations.

**5. Human Resources**

- I. Assignment of temporary posts which are for a period not exceeding 12 months.
- II. Filling of vacant posts within approved establishments except Adjudicator posts.
- III. Assignment of additional posts at grades up to and including PO6 or equivalent in categories of posts where there is already an agreed job description and a grade fixed for the post.
- IV. Granting acceleration of increments for any staff within their substantive grade for merit and ability.
- V. Determination of requests or recommendations for honoraria, (subject to reporting every honoraria payment made to the BLASJC, gratuities and responsibility allowances.
- VI. The determination of applications for paid and unpaid leave:-
  - a) For trade union training
  - b) For health and safety, professional and other service related training
  - c) For paid leave for an employee to discharge her/his duties of office of President of a Trade Union
  - d) For personal or domestic reasons
  - e) For maternity or paternity leave
  - f) For the use of part or frozen leave entitlement where there are urgent personal or domestic reasons for needing additional paid leave
- VII. Where appropriate, the determination of extensions of payments to employees in relation to sickness.
- VIII. Determination of requests for extensions of service except that of first and second tier officers.
- IX. Determination of casual or essential car users allowance to officers.
- X. Determination of planned overtime for officers above Scale 6.

- XI. Determination of the payment of removal expenses, lodging allowances or travelling allowances but in consultation with the Chair of the BLASJC where such payments fall outside the BLASJC's agreed policy.
- XII. Determination of proposals to attend training courses, unless the leave of absence required is for more than 10 days or where expenditure involved is in excess of £6,000, in which cases subject to consultation with the Chair of BLASJC.
- XIII. Discipline, suspension and/or dismissal of employees.
- XIV. Determination of applications for early retirement.
- XV. Authority to assimilate staff on appointment, promotion or regarding where he thinks appropriate within the approved grade having regard to all the circumstances.

## **6. Support to the Joint Committee**

- I. Promotion of the functions generally of the BLASJC including the provision of such administrative support activities required by the Bus Lane Adjudicators and for the efficient discharge of the bus lane adjudication service.
- II. Arrange for the giving of advice and support to the BLASJC in legal matters.
- III. Convening meetings of BLASJC and the Officer Advisory Board and keep the attendance record of such meetings.
- IV. Deal with urgent business of BLASJC, after consulting the Chairman and/or Deputy Chairman.
- V. Record declarations and matters of interest of BLASJC Members, Officers and Parking Adjudicators.
- VI. Holding and providing access to BLASJC documents and information in accordance with the provisions of law.

## **7. Extension of Chief Bus Lane Adjudicators's Appointment to other Council Areas**

- I. To grant authority to the Lead Officer, subject to the Lord Chancellor's consent, to extend the remit of the Chief Bus Lane Adjudicator, by appointment to her to act as Chief Bus Lane Adjudicator within the areas

of any Council which becomes party to these Joint Committee arrangements.

**Delegation to Chief Bus Lane Adjudicator:-**

- I. With the consent of the Lord Chancellor the making of the Part-time Bus Lane Adjudicator appointments, for a period not exceeding 5 years. Such appointments to be sufficient to meet the needs of the service, as appropriate. With the consent of the Lord Chancellor, to extend these appointments to enable those Adjudicators to act within the areas of any Councils which if future become party to the Joint Committee arrangements, as appropriate.
- II. The Chief Bus Lane Adjudicator is to keep the BLASJC informed of such appointments.
- III. The determination of where Bus Lane Adjudicators shall sit.
- IV. The allocation of appeal cases to the Bus Lane Adjudicators.
- V. Promotion of the judicial functions of the BLASJC.

## **BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

### **REPORT FOR RESOLUTION**

**DATE:** 30<sup>th</sup> June 2006  
**AGENDA ITEM:** Number 5 (e)  
**SUBJECT:** Appointment of Auditor to the Joint Committee  
**REPORT OF:** The Chief Executive, Manchester City Council

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#### **PURPOSE OF REPORT**

To request the Lead Officer to make the necessary arrangements for an Auditor to the Joint Committee to be appointed.

#### **RECOMMENDATIONS**

It is recommended that:

- [i] The Lead Officer requests the Audit Commission to appoint an Auditor to the Joint Committee.
- [ii] When the BLASJC Auditor has been identified, the Lead Officer makes the necessary arrangements in respect of fees and other associated matters.

#### **FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS**

Audit fees at present are unknown at this stage but will be met from within the revenue budget estimates of the Joint Committee.

#### **CONTACT OFFICERS**

Bob Tinsley, NPAS Headquarters, Barlow House, Minshull Street,  
Manchester, M1 3DZ  
Tel: 0161 242 5252

#### **BACKGROUND DOCUMENTS**

None.

## **1.0 Background**

- 1.1 The Audit Commission Act 1998 provides for the Audit Commission to appoint an Auditor for the Joint Committees of local authorities. The Bus Lane Adjudication service Joint Committee is such a committee under this definition. There is a formal process that the Audit Commission centrally undertakes in terms of the appointment of auditors.
- 1.2 The Lead Authority is under discussion with their District Auditor to enable his role to be extended to cover the financial affairs of the Joint Committee. Once these discussions have been concluded and the necessary protocol followed, it is recommended that the Lead Officer is requested to make the necessary arrangements for the Joint Committee's Auditor to be appointed.
- 1.3 Given the likely turnover in 2006/07 the limited assurance approach set out in the Accounts and Audit Regulations will be relevant.
- 1.4 Provision has been made within the recommended revenue budget estimates for the Auditor's fees. However, at this stage the costs are not known. It is more likely that the payment of the fees would fall during the financial year 2007/8.

# **BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

## **REPORT FOR RESOLUTION**

**DATE:** 30<sup>th</sup> June 2006  
**AGENDA ITEM:** Number 5 (f)  
**SUBJECT:** Appointments to the Advisory Board  
**REPORT OF:** The Chief Executive, Manchester City Council

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### **PURPOSE OF REPORT**

To agree the terms of reference of and make appointments to the Advisory Board.

### **RECOMMENDATIONS**

It is recommended that the Joint Committee:

- [i] Adopt the Terms of Reference and Composition of the Advisory Board as detailed in the Appendix to this report.
- [ii] Appoint the members of the Advisory Board as detailed in the Appendix.
- [iii] Delegate responsibility to the Lead Officer in consultation with the Advisory Board to fix an appropriate attendance allowance for the non-government/local authority board members.

### **CONTACT OFFICERS**

Bob Tinsley, NPAS Headquarters, Barlow House, Minshull Street,  
Manchester, M1 3DZ  
Tel: 0161 242 5252

### **BACKGROUND DOCUMENTS**

BLASJC agreement.  
Scheme of Delegated Functions  
Standing Orders of the BLASJC.

## **1.0 Introduction**

- 1.1 The Standing Orders provide that the Joint Committee may establish and appoint an Advisory Board comprising the Lead Officer and other officers and persons appointed by the Joint Committee to advise it on its functions. In exercising his delegated functions, except for matters of urgency, the Lead Officer is required to consult with the Advisory Board.
- 1.2 At the meeting held on 19th November 2001 the National Parking Adjudication Service Joint Committee (NPASJC) established the Terms of Reference for appointments to their Advisory Board. To enable an effective and efficient arrangement it is proposed to adopt the same advisory board terms of reference and composition of appointments with minor amendments to reflect the additional bus lane adjudications function.
- 1.3 At the meeting held on 30<sup>th</sup> June 2005 the NPAS Joint Committee made appointments for the period ending at their Annual meeting in June 2006, these have been up dated for the coming year and are detailed in the appendix to this report. It is proposed to add to these appointments a representative of a bus lane enforcing council.
- 1.4 The Joint Committee are invited to adopt the terms of reference and make the appointments recommended in the Appendix.



## APPENDIX

### Advisory Board Terms of Reference.

1. To advise the Joint Committee on the overall policies and strategies for administering the service and on its responsibilities under the Road Traffic Act 1991 and Transport Act 2000.
2. To monitor the service delivery and review the service structure, organisation and administration and to scrutinise recommendations for changes before they are put before the Joint Committee
3. To monitor and review the service capital and revenue budgets and to scrutinise recommendations for changes before they are put before the Joint Committee
4. To assist and advise the Lead Officer on the preparation of an annual service plan.
5. The Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.

The Board shall consist of always the Lead Officer plus up to eleven people:

- Seven officer representatives of local authorities as follows
  - At least one representing an English Authority
  - At least one representing a Welsh Authority
  - At least one representing a District Council
  - At least one representing a County Council
  - At least one representing a Unitary or Metropolitan Council
  - At least one representing a bus lane enforcement Council.
- A representative each from the Department for Transport (DfT) and National Assembly for Wales (NAfW).
- A representative from a motoring association.
- An independent person with knowledge of judicial or tribunal systems.

The DfT, NAfW, Motoring Association and Independent members would act as ex-officio members.

The Joint Committee shall make appointments to the Advisory Board based on recommendations received from the Advisory Board. Such appointments are to be for four years but may be subject to reappointment. Except for the Lead Officer members shall retire on a four-year rotation cycle.

The Advisory Board shall recommend to the Joint Committee representatives of an appropriate motoring organisation and an appropriate independent person who should sit on the Board.

The DfT and NAfW Transport Directorate shall nominate its own representatives.

Advisory Board members should not be day-to-day managers of parking services and should where possible include representatives from legal and financial backgrounds as well as those responsible for parking.

The Board shall elect a Chairman, a Vice-Chairman and a Secretary from within the membership of the Board.



## Appointments and four year cycle

### Local Authority Members

At the meeting of the NPAS Joint Committee held on 30<sup>th</sup> June 2005 the following local authority members were appointed and retire as set out below.

#### June 2006

Hampshire	Peter Bayless	English Shire
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#### June 2007

Manchester	Andrew Scallan	English Met Authority
Winchester	Andy Hickman	English District

#### June 2008

Hertfordshire	Deborah Davis	English Shire
Carmarthenshire	Trevor Sage	Welsh Authority

#### June 2009

Bournemouth	John Satchwell	English Unitary
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On this basis the English Shire representative, Hampshire County Council – Peter Bayless, becomes eligible for re-appointment. The Lead Officer recommends this re-appointment.

### Department for Transport Member

This is a matter for the DfT to decide from time to time. Currently Marilyn Waldron as their representative.

### National Assembly for Wales Member

This is a matter for the NAFW Transport Directorate to decide from time to time. Currently Michael Burnell is their representative.

### Independent Member

The Joint Committee has appointed Graham Addicott OBE, as the independent member for a four year period ending June 2009.

### Motoring Organisation Member

The Advisory Board consider it appropriate that from time to time this appointment should be rotated between the RAC Foundation and the AA Motoring Trust. Kevin Delaney of the RAC Foundation has been the motoring organisation representative, and wishes to stand down from this role as he will be retiring in December 2006. Paul Watter of the AA Motoring Trust has indicated his agreement to fulfil this role and it is therefore recommended that the AA Motoring Trust (Paul Watters) is duly appointed.

### Bus Lane Officer

The Joint Committee is recommended to make the above appointments to its advisory board plus an authority that has agreed to impose penalty charges for bus lane contraventions.

Brighton & Hove Council is such a council and have indicated their agreement to such an appointment. Carolyn Dwyer would be their representative.



## **BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

### **REPORT FOR RESOLUTION**

**DATE:** 30<sup>th</sup> June 2006  
**AGENDA ITEM:** Number 7  
**SUBJECT:** Budget Estimates 2006/2007  
**REPORT OF:** The Chief Executive, Manchester City Council

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#### **PURPOSE OF REPORT**

To request the Committee to approve the Revenue and Capital Budget Estimates for 2006/2007.

#### **RECOMMENDATIONS**

It is recommended that the Joint Committee:

- [i] Agree to adopt the Revenue Budget estimates for 2006/2007 as detailed in the Appendix.
- [ii] Agree to adopt a zero capital budget estimate for 2006/2007.

#### **FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS**

It is intended that, in the long term, the service will be self-financing as a result of contributions from participating local authorities.

These charges are the subject of a separate report on the agenda and are recommended with a view to the service being self-financing.

#### **CONTACT OFFICER**

Bob Tinsley, NPAS Headquarters, Barlow House, Minshull Street,  
Manchester,  
Tel: 0161 242 5252

#### **BACKGROUND DOCUMENTS**

None

## **1.0 INTRODUCTION**

- 1.1 In accordance with the BLASJC agreement and the Accounts and Audit Regulations it is necessary to establish a budget estimate for the forthcoming year. An assessment has been made of the likely service take up during 2006/7 and therefore the Adjudicators, administrative support and accommodation needed. This report deals with the consequential establishment of budgets to meet this level of demand.
- 1.2 The adjudication service is to be operated on a self-financing basis with income obtained from charges made to BLASJC member authorities.
- 1.3 During 2006/7 it is expected that of the 71 approved bus lane enforcement authorities 7 will begin operations to impose penalty charges as a result of bus lane contraventions. During 2007/8 a further 15 authorities are likely to join the scheme, no account has been made for these additional authorities in the recommended budget for year 2006/7.
- 1.4 It is proposed that both parking and bus lane adjudications to be administered, and heard by adjudicators, in an integrated fashion. This would afford an opportunity for cost sharing, further economies of scale and the ability to provide an efficient and effective service.
- 1.5 Initial discussions with the Audit Commission about a proposal to keep administration of the two joint committees' accounts to a minimum by allocating expenditure based on the number of appeals received from each type of enforcement would be an acceptable and economic solution at least for the first year of operation of bus lane enforcement. Where items of expenditure can be readily identified as being appropriate only to the individual joint committees then these items will be accounted for separately.
- 1.6 It is therefore expected that during 2006/7 there will be additional income and expenditure available to NPAS for bus lane adjudications.

## **2.0 BACKGROUND**

### **Revenue Budget Estimates**

- 2.1 It proposed to balance the income and expenditure of the revenue budget without the need to charge a 'joining fee' to participating councils.
- 2.2 An assessment has been made of the revenue budget that will be needed to meet the demands on the service during 2006/7. The assessment has taken into account the additional spending that will be needed as a result of the expected take up of decriminalised bus lane enforcement powers during the year.

- 2.3 The costing resulting from the pro rata per case is made on the assumption that there will be 11,000 parking appeals and 48 bus lane appeals during the year. The pro rata per appeal expenditure is calculated from the NPASJC revenue budget for the current year reduced in proportion to cover the period 1<sup>st</sup> July 2006 to 31<sup>st</sup> March 2007.
- 2.4 The income is based estimates of the number of PCNs likely to be issued by the participating authorities and assuming the joint committee agrees to a similar charge (£0.55) per PCN agreed by the NPASJC for year 2006/7.
- 2.5 The budget has been set with a view to meeting the expected demands on the service and yet reflecting the economies of scale and income that should arise from the service charges, which are reported elsewhere on the agenda.
- 2.5 Details of the proposed revenue budget are contained in the Appendix.

#### **Capital Budget Estimates**

- 2.6 With the benefit of capital approvals in previous years it has been possible to help establish and expand NPAS. These approvals helped the NPAS Joint Committee to achieve the developments necessary to establish the NPAS service. As it is intended to integrate bus lane adjudications within the existing NPAS structural arrangements at this stage there is no requirement for capital expenditure.
- 2.8 It is therefore recommended that the Committee adopt a zero capital budget estimate for 2006/2007.





## APPENDIX

### RECOMMENDED REVENUE ACCOUNT ESTIMATE for 2006/2007

<b>Expenditure</b>	<b>Year 2006/7</b>
	<b>£</b>
Pro Rata per Appeal expenditure	7,577
Separate BLASJC costs	2,000
Service Management and Support	1,000
Audit Fee	500
Capital Finance Charges	0
Contingency	409
<b>Total Expenditure</b>	<b>11,486</b>
<b>Income</b>	
Penalty Charge Notices	11,486
<b>Total Income</b>	<b>11,486</b>
<b>Net Expenditure</b>	<b>0</b>



# BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

## REPORT FOR RESOLUTION

**DATE:** 30<sup>th</sup> June 2006  
**AGENDA ITEM:** Number 8  
**SUBJECT:** Service Charges 2006/2007  
**REPORT OF:** The Chief Executive, Manchester City Council

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### PURPOSE OF REPORT

To establish the method of charging and the charges to be levied from local authorities participating in the Joint Committee's arrangements during 2006/2007.

### RECOMMENDATIONS

It is recommended that:

[i] The Joint Committee adopts the following charges in support of the service to be made to participating local authorities during the financial year 2006/2007, as detailed below.

ELEMENT	CHARGE
Charge per PCN Issued	£0.55

[ii] Service Charges are levied on a quarterly in advance basis for the PCN charge based on estimated figures and subsequently adjusted.

[iii] Where a bus lane adjudicator has agreed to making a transcription from the audio recording of proceedings at a personal hearing available to a party to an appeal, the charge is to be the incidental cost of transcription and is to be charged to the requesting party. This charge is to be made except when in the view of the adjudicator a disability of the requesting party would make it desirable for that person to receive such a transcript.

### FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

It is intended that service will be self financing as a result of contributions made from participating local authorities.

### CONTACT OFFICER

Bob Tinsley, NPAS Headquarters, Barlow House, Minshull Street,  
Manchester. Tel: 0161 242 5252

### BACKGROUND DOCUMENTS

None.

## **INTRODUCTION**

- 1.0 An essential element for a local authority when adopting decriminalised bus lane enforcement powers is the existence of a means to appeal to an independent bus lane adjudicator. The approved local authorities who are participating in the BLASJC agreement are required to fund adjudication as part of their powers.
- 1.1 The BLASJC agreement provides for the Committee to decide the cost sharing arrangements.

## **2.0 BACKGROUND**

- 2.1 The BLASJC agreement envisages the adjudication service to be operated on a self-financing basis with revenue obtained from charges made to participating local authorities. An estimate has been made of the likely service take up during 2006/2007. The level of charging has been based on this predicted service activity
- 2.2 The current level of parking appeals are on average at about the 0.4% level of the number of PCNs issued. It has been assumed that a similar level of appeal will arise from bus lane PCNs. There is no experience of bus lane enforcement outside London that would provide an indication of the level of appeal per PCN issued. For 2006/7 estimates have been based on the above mentioned appeal rate and this has been reflected in the proposed charge per PCN.
- 2.3 The way the legislation operates builds in a time delay between the PCN being issued and the right to appeal to the bus lane adjudicator. This is an important factor for this first year of operation. Allowance has been made in the budget estimates for this effect, as well as the expected differing commencement dates by the participating councils, and hence the level of charges being recommended.
- 2.4 There is provision in the BLASJC agreement for other approved local authorities to participate if the agreement as so it might be the case that other councils become a party to the agreement before the year end and additional income may arise to that estimated.
- 2.5 It is recommended that the cost sharing arrangement is based on the level of charge per PCN issued by the participating councils to that for the NPASJC. i.e. £0.55 per PCN.

## **3.0 METHOD OF CHARGING**

- 3.1 To provide a positive flow of cash within the revenue account during the year it is proposed to levy the charges quarterly in advance based on an estimate of the number of PCNs each council estimates it will issue during the year. This is similar to the NPASJC charging arrangement.

#### **4.0 CHARGE FOR PERSONAL HEARING AUDIO TRANSCRIPTS**

- 4.1 When an appeal includes a personal hearing, as a matter of routine the adjudicator makes an audio recording of the proceedings. The recording is available to the adjudicator should they wish to listen to it later. The recordings are not routinely transcribed.
- 4.2 Occasionally, the appellant or respondent council to the appeal requests a transcript of the audio recording. Whether the recording is made available is a matter for the adjudicator to decide in each case.
- 4.3 Should the adjudicator decide to make the transcript available to a party to the appeal, then it is recommended a charge is made equivalent to the incidental cost of transcription. The party to the appeal that requested the transcript to be charged the incidental cost.
- 4.4 There may be occasions when the person requesting the appeal has in the view of the adjudicator a disability that would make it desirable for that person to receive such a transcript. It is recommended that under this circumstance no charge is made for transcription.



## **BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

### **REPORT FOR RESOLUTION**

**DATE:** 30<sup>th</sup> June 2006

**AGENDA ITEM:** Number 9

**SUBJECT:** Integration of administrative arrangements with NPAS and adoption of Service Standards

**REPORT OF:** The Chief Executive, Manchester City Council

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#### **PURPOSE OF REPORT**

To agree that the processing of bus lane appeals will be administered alongside parking appeals.

To adopt service standard performance indicators against which the service is delivered.

#### **RECOMMENDATIONS**

It is recommended that the Committee:

- [i] Agrees that the service should as far as possible be provided in an integrated manner for both bus lane and parking appeals.
- [ii] Adopts the service standard performance indicators detailed in the report.

#### **CONTACT OFFICER**

Bob Tinsley, NPAS Headquarters, Barlow House, Minshull Street,  
Manchester,  
Tel: 0161 242 5252

#### **BACKGROUND DOCUMENTS**

None

## **BACKGROUND**

### **1.0 INTRODUCTION**

- 1.1 The report deals with two matters relating to the functions to be exercised by the Joint Committee: integrated provision of the service for bus lane appeals with that for parking appeals; and adoption of service standard performance indicators.

### **2.0 SERVICE INTEGRATION**

- 2.1 The bus lane legislation made under the Transport Act 2000 is framed in the same terms as the Road Traffic Act 1991 (RTA), placing a duty on the BLASJC to provide staff and accommodation for the adjudicators, and the agreement is drawn up in those terms.
- 2.2 Under the RTA the adjudicators have jurisdiction in respect of councils outside London in both England and Wales. The Bus Lane regulations only apply to English councils.
- 2.3 The present arrangements made by the NPASJC for supporting the parking adjudicators has sufficient flexibility to incorporate processing the bus lane appeals without at this stage the need for additional staff or resources.
- 2.4 The duty placed on local authorities, including their joint committees, to deliver services in an effective, efficient and economical manner can best be delivered by integrating the arrangements for processing of both parking and bus lane appeals.
- 2.5 Since it is the intention to appoint all the parking adjudicators as bus lane adjudicators, the Chief Adjudicator has indicated that it is desirable for the two types of appeals to be integrated into a single shared tribunal, without the need for separate hearing arrangements for bus lane appeals. Therefore while it will be necessary to provide separate appeal forms and information, many of the other facilities, such as hearing arrangements and the website, including the appeal on-line facility, can be integrated.
- 2.6 It is therefore recommended that the parking appeals and bus lane appeals are integrated into a single tribunal.

### **3.0 SERVICE STANDARDS - PERFORMANCE INDICATORS**

- 3.1 To enable a cohesive approach to measuring and reporting service performance it is recommended that the service standards adopted by the NPASJC are similarly adopted.



3.2 The integrated approach to administering the parking and bus lane adjudications would mean that is very difficult to separate them in respect of differentiation in performance. The performance indicators would therefore be a consolidation of both parking and bus lane statistics and reported to each of the joint committees. Accordingly, the following service standards are recommended for adoption by the Joint Committee.

<b>Performance Indicator</b>	<b>Target</b>
Percentage of postal appeals processed within 42 days	80%
Percentage of personal appeals processed within 56 days	80%
Percentage of phone calls answered within 15 seconds	90%
Percentage of appeals acknowledged within 2 working days	95%



## **BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

### **REPORT FOR RESOLUTION**

**DATE:** 30<sup>th</sup> June 2006

**AGENDA ITEM:** Number 10

**SUBJECT:** Admittance of other approved local authorities to the BLASJC Agreement

**REPORT OF:** The Chief Executive, Manchester City Council

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#### **PURPOSE OF REPORT**

To agree that other bus lane enforcement approved local authorities may be admitted to the joint committee arrangements and authorise to the Lead Officer to make the necessary arrangements

#### **RECOMMENDATIONS**

It is recommended that the Committee:

- [i] Agree that if any other approved local authority in England (outside London) decides to impose penalty charges for bus lane contraventions they may become a party to the BLASJC agreement on the terms set out in the Agreement.
- [ii] Authorise the lead Officer to agree to and make the necessary arrangements for other approved local authorities to become a party to the BLASJC agreement.
- [iii] Requests the Lead Officer to provide regular reports to the committee regarding expressions of interest from other approved local authorities to joining the Joint Committee and those who have been admitted.

#### **CONTACT OFFICER**

Bob Tinsley, NPAS Headquarters, Barlow House, Minshull Street,  
Manchester,  
Tel: 0161 242 5252

#### **BACKGROUND DOCUMENTS**

BLASJC agreement

## BACKGROUND

### 1.0 INTRODUCTION

- 1.1 At the time of writing 71 local authorities in England (outside ) London have been designated approved local authorities for bus lane enforcement purposes. All of these authorities would be able to participate in the BLASJC agreement should they decide to impose penalty charges for bus lane contraventions.
- 1.2 A survey has been undertaken which indicates that in addition to Brighton & Hove, Hampshire, Manchester, Nottingham, Reading and Sheffield who are a party to the BLASJC agreement, 16 other councils have indicated they are likely to take up the powers during the next year. Details are provided below.

Bath & Northeast Somerset Council
Birmingham City Council
Bolton MBC
Bristol City Council
Doncaster Metropolitan Borough Council
Essex County Council
Kent County Council
Liverpool City Council
Luton Council
Oldham Metropolitan Borough Council
Oxfordshire County Council
Sefton Council
Southampton City Council
Stockton on Tees Borough Council
Stoke-on-Trent City Council
Trafford MBC

- 1.3 Whilst all the existing highway and traffic authorities in England (outside London) with Special and Permitted Parking Areas have all been designated under the Transport Act 2000 regulations as approved local authorities any other local authorities taking such powers may be similarly designated.
- 1.4 It is likely that the joint committee will only meet on two occasions each year. It is therefore necessary to adopt a streamlined means by which an approved local authority or prospective approved local authority can make an approach for confirmation that they would be admitted to the BLASJC arrangements, and for them to be so admitted.
- 1.5 It is therefore proposed to provide a simplified means of enabling other local authorities to join the Joint Committee, similar to that for parking, by delegating responsibility for this process to the Lead Officer. It is further recommended that the Lead Officer provides the joint Committee with regular reports concerning the authorities that have

been admitted to the Joint Committee or are in the process of applying for the bus lane enforcement powers.



# **BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

## **REPORT FOR RESOLUTION**

**DATE:** 30<sup>th</sup> June 2006

**AGENDA ITEM:** Number 11

**SUBJECT:** Appointment of Proper Officer to the Bus Lane Adjudicator Regulations

**REPORT OF:** The Chief Executive, Manchester City Council

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### **PURPOSE OF REPORT**

To agree to the appointment of the "Proper Officer" to the bus lane adjudication regulations.

### **RECOMMENDATIONS**

It is recommended that the Committee:

- [i] Appoints the Head of Service (NPAS) to undertake the functions of the "Proper Officer" for the purposes of the Bus Lane Adjudication Regulations.
- [ii] Delegates to the Head of Service (NPAS) the appointment of one or more of their staff to undertake the functions of the Proper Officer as her deputy in the event of not being able to act.

### **CONTACT OFFICER**

Bob Tinsley, NPAS Headquarters, Barlow House, Minshull Street,  
Manchester,  
Tel: 0161 242 5252

### **BACKGROUND DOCUMENTS**

BLASJC Agreement  
Transport Act 2000  
The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005, S.I. No. 2757.

## **BACKGROUND**

### **1.0 BACKGROUND**

- 1.1 The adjudication regulations made under the Transport Act 2000 require the Joint Committee to appoint a person to fulfil the functions of the proper officer and one or more persons to act as their deputy when the proper officer is unable to act.
- 1.2 The duties of the proper officer under the regulations are to typically: receive and acknowledge the appeals; administrative processing and various notifications; fix the time and place of the hearing; keep a public register and, for each appeal record the adjudicator's decision and reasons and any directions given; and send a copy of the register entry to each party to an appeal. There are other incidental duties.
- 1.4 The requirement is a non-judicial function and therefore it is recommended that the duties are undertaken by the Head of Service (NPAS).
- 1.5 For administrative ease it is further recommended that the function of appointing one or more persons to fulfil the functions of the proper officer in the event that the Head of Service (NPAS) is unable to act is delegated to the Head of Service (NPAS).



**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE**

**REPORT FOR RESOLUTION**

**DATE:** 30<sup>th</sup> June 2006  
**AGENDA ITEM:** Number 9  
**SUBJECT:** Integration of Bus lane Appeals  
**REPORT OF:** The Chief Executive, Manchester City Council

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**PURPOSE OF REPORT**

To note that a separate joint committee arrangement has been established for the appointment of bus lane adjudicators for England (outside London) and agree that the processing of the appeals will be administered alongside parking appeals.

To agree a new name under which the organisation will be known in the future.

**RECOMMENDATIONS**

It is recommended that the Committee:

[i] Agree that the service should as far as possible be provided in an integrated manner for both bus lane and parking appeals.

[ii] Agree that the operation of the parking and bus lane tribunals be merged under the new name "Traffic Penalty Tribunal".

**CONTACT OFFICER**

Bob Tinsley, NPAS Headquarters, Barlow House, Minshull Street,  
Manchester,  
Tel: 0161 242 5252

**BACKGROUND DOCUMENTS**

Report to the NPASJC 30<sup>th</sup> June 2005

Report to the NPASJC Executive Sub-Committee 31<sup>st</sup> January 2006

## **BACKGROUND**

### **1.0 INTRODUCTION**

- 1.1 A report was submitted to the Executive Sub-Committee held on 31<sup>st</sup> January 2006 that provided information regarding proposed future arrangements for bus lane adjudications made under the Transport Act 2000, and highlighting a number of problems that would prevent existing NPAS structures from fulfilling the requirement of this type of adjudication. There would therefore be a need to establish arrangements parallel to NPAS and an inaugural meeting of authorities was planned for June in order to sign up to an enabling agreement.
- 1.2 The Bus Lane Adjudication Service Joint Committee (the BLASJC) agreement has now been established by Brighton & Hove, Hampshire, Manchester, Nottingham, Reading and Sheffield councils. During the next year a further sixteen councils are expected to also become a party to the agreement. Whilst the number of bus lane appeals is likely to be small in the first few months of operation they could grow rapidly thereafter.
- 1.3 Other types of traffic penalty charge adjudication will arise when secondary legislation is made under the Traffic Management Act allowing for civil enforcement for some of the moving traffic contraventions. The likely timescale for this is in 2007/08.

### **2.0 SERVICE INTEGRATION**

- 2.1 The bus lane legislation made under the Transport Act 2000 is framed in the same terms as the Road Traffic Act 1991 (RTA), placing a duty on the BLASJC to provide staff and accommodation for the adjudicators, and the agreement is drawn up in those terms.
- 2.2 Under the RTA the adjudicators have jurisdiction in respect of councils outside London in both England and Wales. The Bus Lane regulations only apply to English councils.
- 2.3 The present arrangements made by the NPASJC for supporting the parking adjudicators has sufficient flexibility to incorporate processing the bus lane appeals without at this stage the need for additional staff or resources.
- 2.4 The duty placed on local authorities, including their joint committees, to deliver services in an effective, efficient and economical manner can best be delivered by integrating the arrangements for processing of both parking and bus lane appeals.
- 2.5 Since it is the intention of the BLASJC to appoint all the parking adjudicators as bus lane adjudicators, the Chief Adjudicator has

indicated that it is desirable for the two types of appeals to be integrated into a single shared tribunal, without the need for separate hearing arrangements for bus lane appeals. Therefore while it will be necessary to provide separate appeal forms and information, many of the other facilities, such as hearing arrangements and the website, including the appeal on-line facility, can be integrated.

- 2.6 It is therefore recommended that the parking appeals and bus lane appeals are integrated into a single tribunal.

### **3.0 The New Integrated Tribunal**

- 3.1 The new integrated tribunal will need an identity to reflect the merged jurisdictions. That identity must be capable of including the other types of traffic penalty charge adjudication that will arise when secondary legislation is made under the Traffic Management Act for some of the moving traffic contraventions.
- 3.2 Initial consultation took place with our Appellants User Group, representatives of other tribunals and our own staff, regarding the present 'public' perception of the role of National Parking Adjudication Service (NPAS).
- 3.3 These consultations revealed some concerns. The NPAS User Survey report "User Perspectives on the National Parking Adjudication Service" by Prof John W Raine & Eileen Dunstan of the University of Birmingham and reported to the joint committee on 30<sup>th</sup> June 2005 and the public relations company that acts as the NPAS press office indicated that NPAS has little 'brand' recognition outside council parking department and the parking industry. In particular:
- 'National' - causes some confusion as our jurisdiction does not cover Scotland, Northern Ireland or Greater London. The Scottish parking tribunal was dissatisfied with our use of this word;
  - 'Parking' – would become too narrow for the different types of adjudication in the future;
  - Adjudication – is often mis-spelt and is generally confusing for and not understood by the general public;
  - 'Service' – often causes confusion as people think we are able to 'tailor' it to their particular needs, when we actually only have one 'product' - the Adjudicators' decision. This is not to say that the experience of our users should not be or continue to be user focused when they interface with the adjudication process.
- 3.4 Adjudicators are a 'tribunal' under the supervision of the Council on Tribunals, as provided in the Tribunals and Inquiries Act.
- 3.5 The NPAS User Survey report recommended that NPAS should take steps to widen public awareness about independent adjudication on

local authority parking enforcement decisions. There were a number of specific recommendations on how this might be achieved including a recommendation regarding a change of title from NPAS to something that better connotes both the tribunal's judicial status and independence from the councils. A key feature from this research is that whatever name is adopted, it should be meaningful to the public, widen their awareness and as far as possible reflect the actual function(s) we are fulfilling.

- 3.6 Independent research was therefore commissioned to obtain an identity that could be adopted to overcome the above mentioned difficulties with the NPAS name and provide a substitute name for the future that meets the new requirements.
- 3.7 The research was conducted during May 2006 in three areas of the country, North, Midlands and South. The results are detailed in the appendix.
- 3.8 The research has resulted in a clear preferred name from the general public – The Traffic Penalty Tribunal.
- 3.9 The simplicity of this name will lend itself to the devolved nature of the scheme and could be used in other jurisdictions. e.g. Traffic Penalty Tribunal (England and Wales), Traffic Penalty Tribunal (Scotland), Traffic Penalty Tribunal (Northern Ireland), Traffic Penalty Tribunal (London).
- 3.10 The adjudicators have been consulted and are pleased that the name Traffic Penalty Tribunal properly conveys the nature and functions of the tribunal.
- 3.11 This preferred name has been further checked out with representatives of the appellant user group. The RAC Foundation representative commented that Traffic Penalty Charge Tribunal is too long and had some concerns that tribunal in Traffic Penalty Tribunal does not reflect the user friendly approach NPAS has adopted and therefore prefers the name Traffic Penalty Adjudicators. The RHA and BVRLA representatives made similar comments regarding the preference of the word adjudicators than tribunal. The AA Motoring Trust representative prefers the name Penalty Charge Tribunal.
- 3.12 A key feature in adopting the new name is to be able to use the name as an internet domain and Email name. The domain names of: tpt.gov.uk; trafficpenaltytribunal.gov.uk; and traffic-penalty-tribunal.gov.uk, have each been reserved for our use.
- 3.13 Summary of the research - key findings**
- 3.14 The results of the survey are detailed in the Appendix to this report and are robust enough to make a decision upon.



- 3.15 The sample of people who have conducted the research will have had virtually zero awareness of NPAS and its role; as such their thought process will not have been contaminated by any pre conceived ideas. Their opinions are therefore valid and should reflect the views of the public at large.
- 3.16 It is apparent that the public are confused by the meaning of 'adjudication'; as such this phrase should be deleted from the short list.
- 3.17 'Traffic Penalty Charge Tribunal' and 'Traffic Penalty Tribunal' both scored reasonably well and are understood, prior to any prompting by an audience exceeding 50%.
- 3.18 Both names are usable, 'Traffic Penalty Tribunal' scores higher when viewed first with 66% saying that the expression describes well what the organisation does. By the very fact that there are fewer words, 'Traffic Penalty Tribunal' will be more memorable and more usable.
- 3.19 As such the research consultant is very confident to put forward 'Traffic Penalty Tribunal' as the new name for NPAS.
- 3.20 It is therefore recommended the operation of the parking and bus lane tribunals be merged under the new name "Traffic Penalty Tribunal".



## **APPENDIX**

### **Background**

NPAS appointed Unit Communications Group to help the adjudication service explore the most suitable opportunities to devise a new name for NPAS that best described the body to the general traffic using public.

#### **Unit Communications Group**

Unit Communications Group, established in 1974, is one of the UK's leading independent, full service marketing services agencies.

The agency operates out of Manchester with a national client base and a staff of around 30 within the fields of marketing, advertising, media, creative, and online.

#### **Desk Research**

Unit Communications Group, worked with NPAS and its user groups to explore the best name options to be tested. All the likely word combinations were looked at and assessed as to their likely receptiveness with the general public.

The list was narrowed down discounting certain phrases such as appeals service due to the likely 'over-selling' that this might promote with the public. A short list of three likely names was decided upon to take to the market for testing.

#### **Methodology**

- 360 on-street interviews with drivers in 3 areas across the UK:
  - Yorkshire (120 interviews)
  - West Midlands (120)
  - Hampshire (120)
- Respondents shown 3 potential new names for National Parking Adjudication Service:
  - Traffic Penalty Charge Tribunal
  - Traffic Penalty Adjudicators
  - Traffic Penalty Tribunal
- Respondents were asked what they thought was the function of the organisation on viewing of first name – an explanation was then given.
- Respondents were then asked how well the first and other two names described what the organisation does.

- Rotations were imposed so that each name was shown first, second and third to an equal number of respondents.
- Interviews lasted 5 minutes.
- Fieldwork was conducted during W/C 15th May 2006.

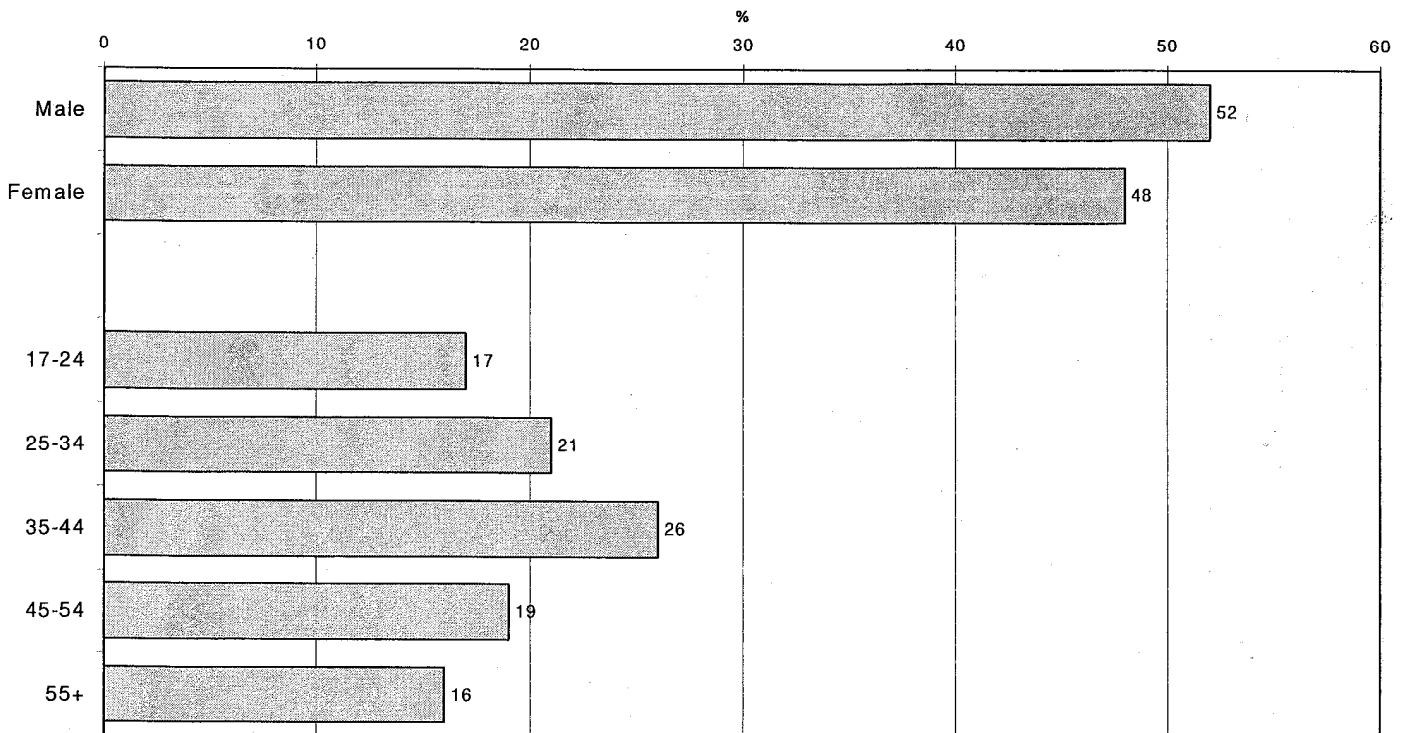
### Comments on the sample

- Throughout this document data is presented graphically where possible. Full details of the data, with breaks by different sub-segments are contained in the full data tabulations.
- On small sub-sample sizes we present the number of respondents rather than a percentage figure in order to avoid giving undue emphasis to less reliable data.

## Respondent profile

### Sex and age

Base: all respondents (360)



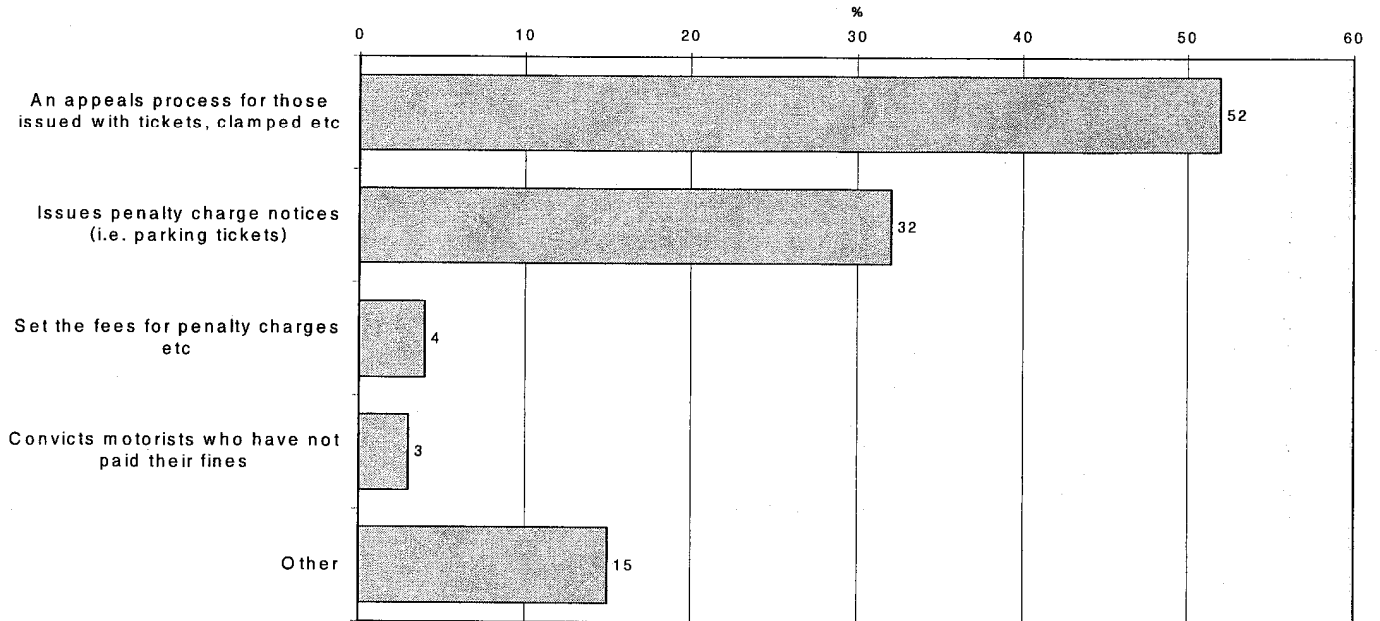
51



# Traffic Penalty Charge Tribunal

## What does this organisation do?

Base: all respondents shown name first (120)



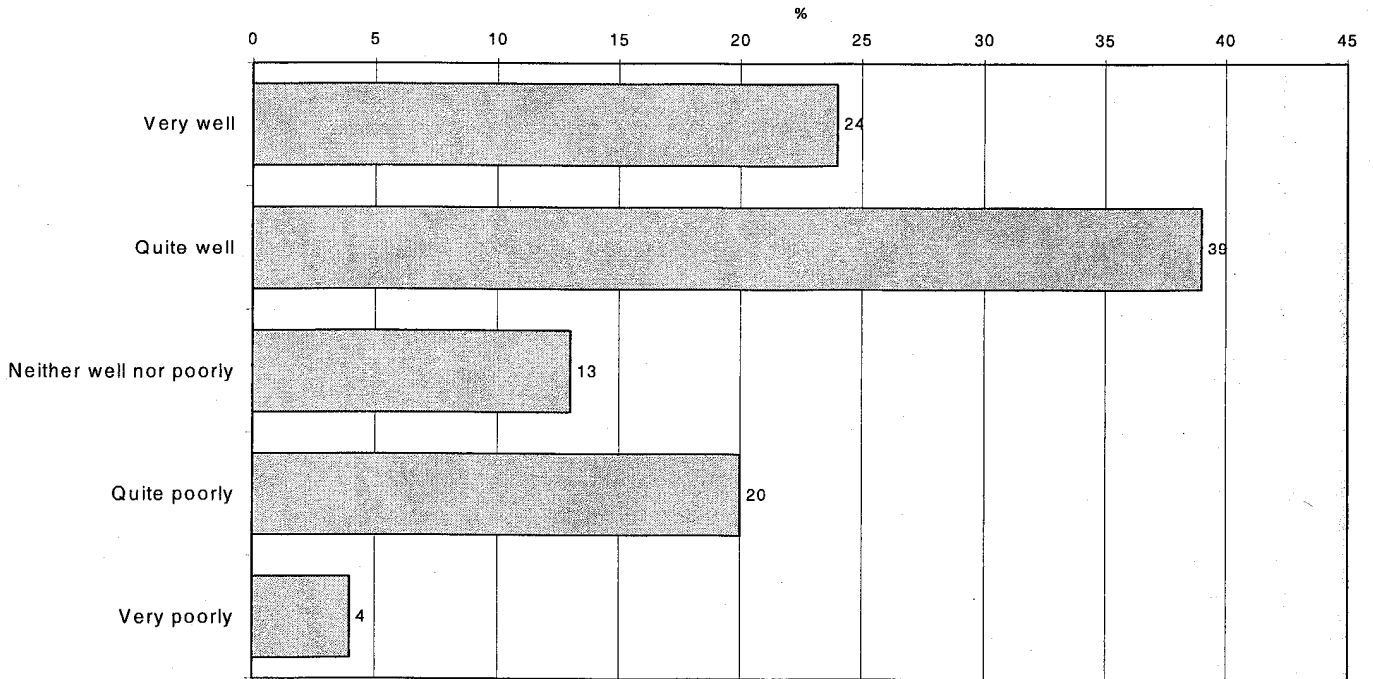
### Other' includes:

- Don't know (5 respondents)
- Driving offences
- Traffic wardens
- Issue speeding fines
- Collect fines for traffic offences

# Traffic Penalty Charge Tribunal

How well does name describe what organisation does?

Base: all respondents shown name first (120)



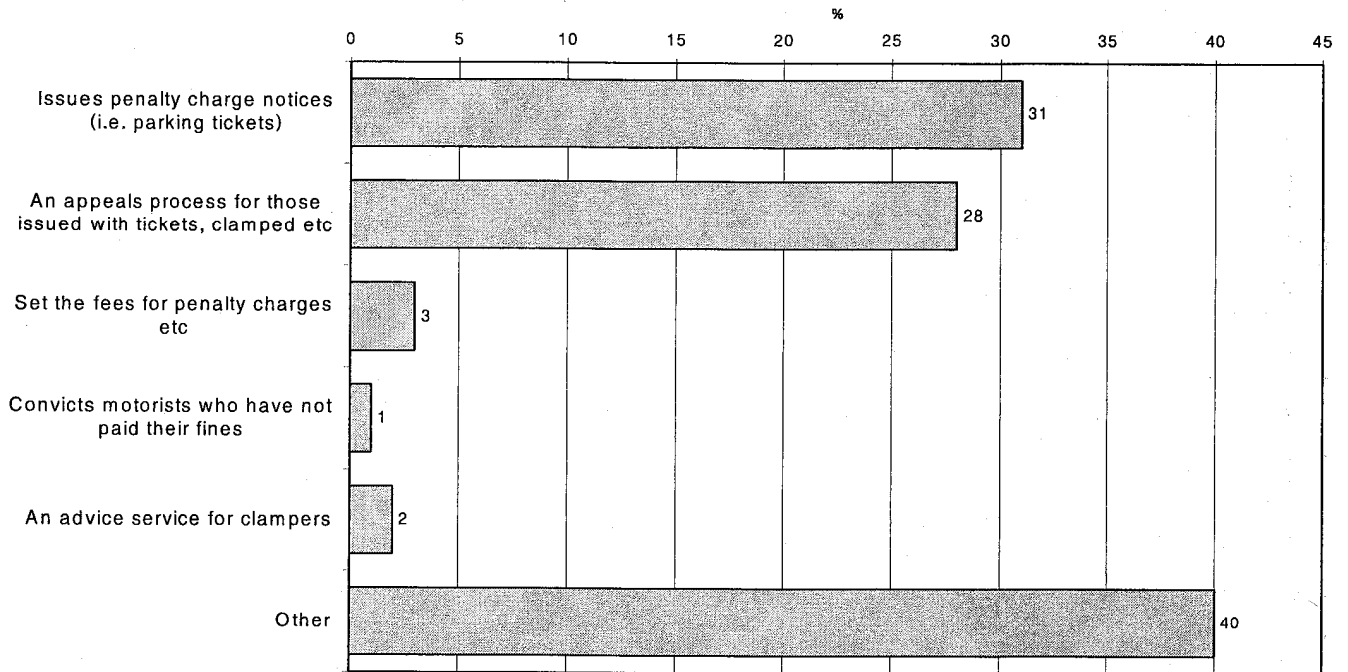
NB: Respondents had just been given description of function of organisation

61

# Traffic Penalty Adjudicators

## What does this organisation do?

Base: all respondents shown name first (120)



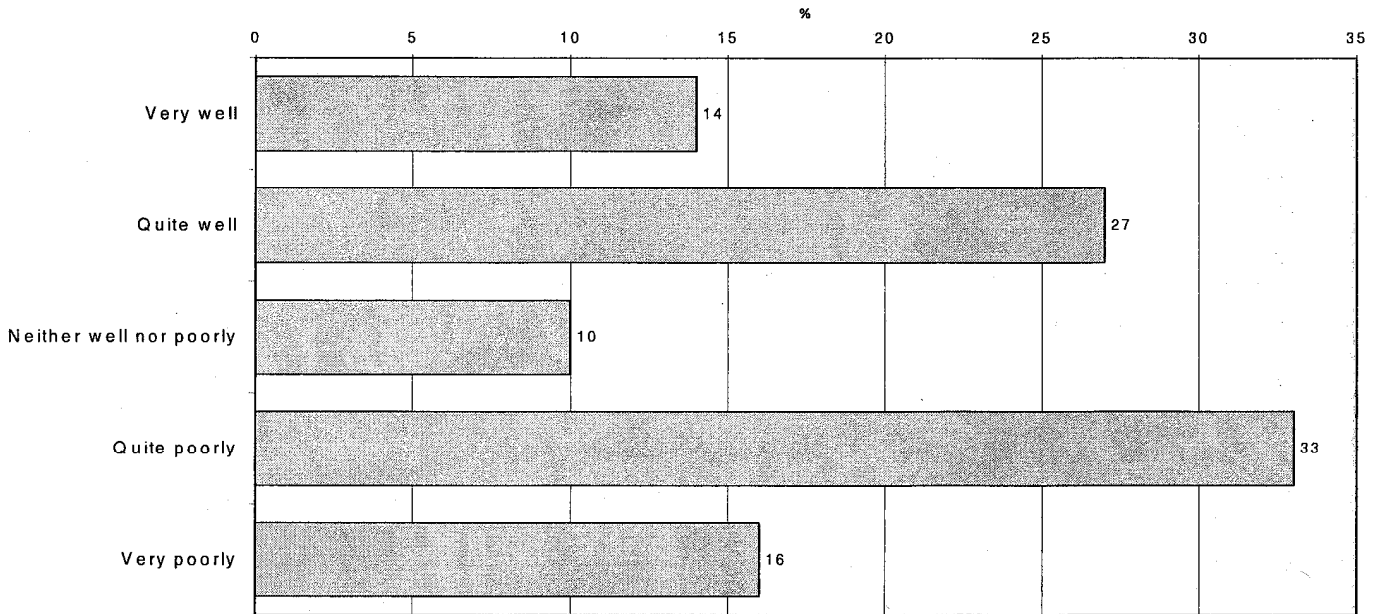
### 'Other' includes:

- Don't know (20 respondents)
- Traffic wardens
- Adjudicate on speed cameras, parking etc
- Decide penalties for traffic offences

# Traffic Penalty Adjudicators

How well does name describe what organisation does?

Base: all respondents shown name first (120)

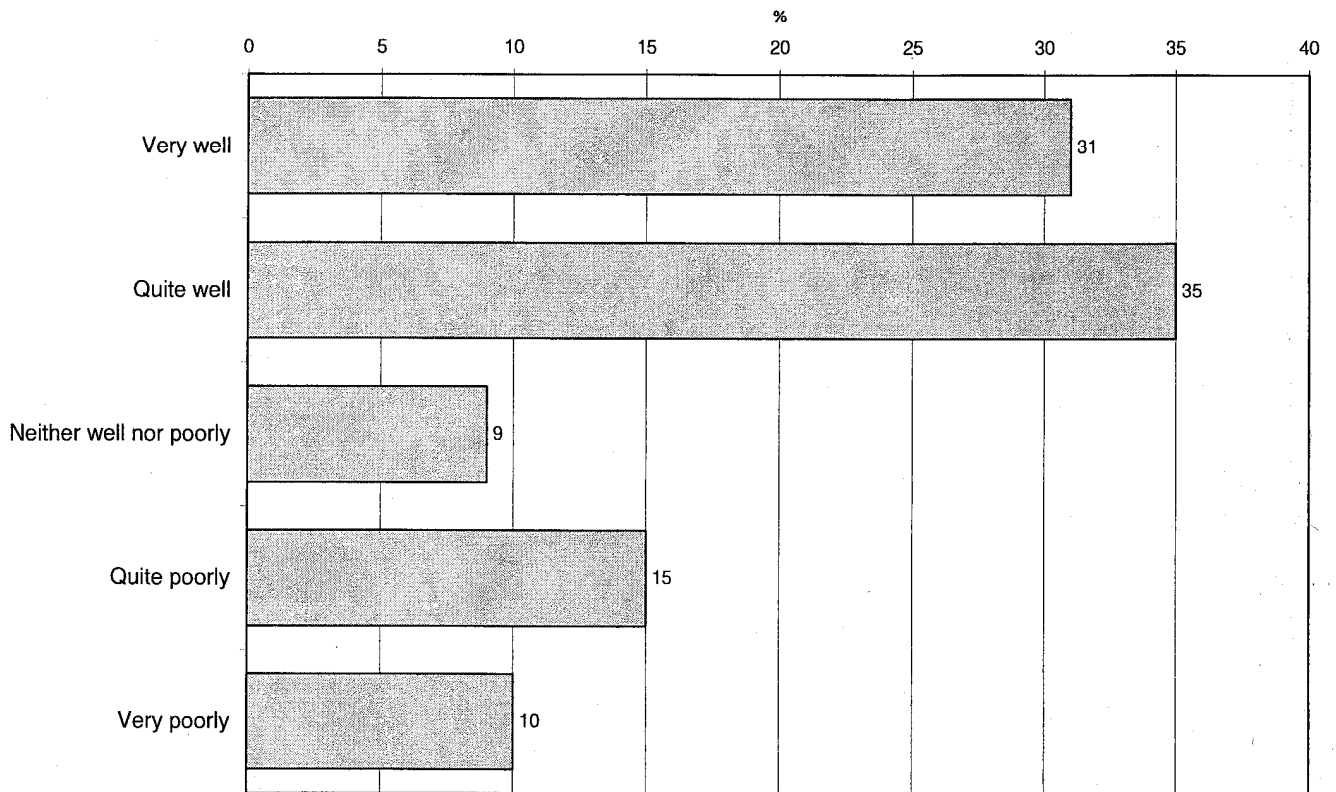


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# Traffic Penalty Tribunal

How well does name describe what organisation does?

Base: all respondents shown name first (120)

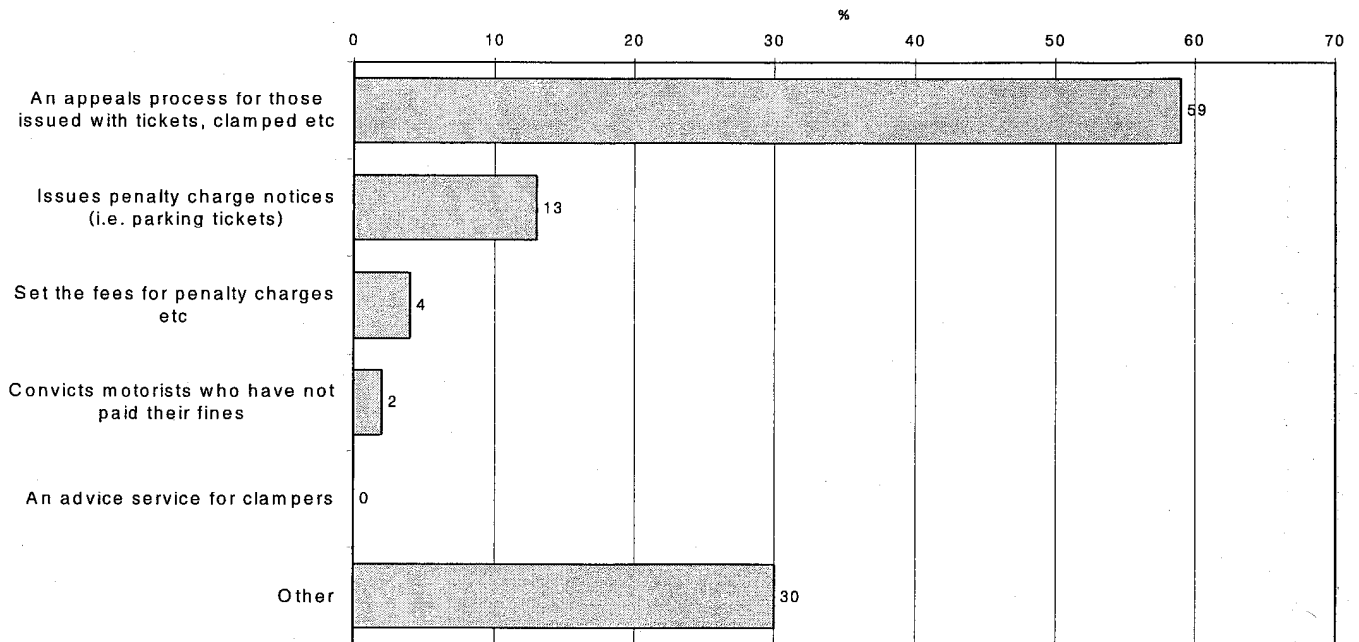


64

# Traffic Penalty Tribunal

## What does this organisation do?

Base: all respondents shown name first (120)



### 'Other' includes:

- Don't know (13 respondents)
- Issue speeding fines
- Adjudicate on speed cameras, parking etc
- Decide penalties for traffic offences

## Summary

- The results of the survey are robust enough to make a decision upon.
- The sample of people who have conducted the research will have had virtually zero awareness of NPAS and its role; as such their thought process will not have been contaminated by any pre conceived ideas. Their opinions are therefore valid and should reflect the views of the public at large.
- It is apparent that the public are confused by the meaning of 'adjudication'; as such this phrase should be deleted from the short list.
- 'Traffic Penalty Charge Tribunal' and 'Traffic Penalty Tribunal' both scored reasonably well and are understood, prior to any prompting by an audience exceeding 50%.
- Whilst we believe both names are usable, 'Traffic Penalty Tribunal' scores higher when viewed first with 66% saying that the expression describes well what the organisation does. By the very fact that there are fewer words, 'Traffic Penalty Tribunal' will be more memorable and more usable.
- As such we are very confident to put forward 'Traffic Penalty Tribunal' as the new brand name for NPAS.

