



National Parking Adjudication Service

England and Wales

NATIONAL PARKING ADJUDICATION SERVICE

MEETING OF THE JOINT COMMITTEE

**To be held at 12 Noon on 19th September 2000 in The Council Chamber,
Town Hall, Manchester, M60 2LA.**

PART A

AGENDA

1. **URGENT BUSINESS**
To consider any items which the Chair has agreed to have submitted as urgent.
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 any pecuniary or non-pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they precluded from voting as a result of Council Tax / Council rent arrears.
4. **MINUTES**
To approve as a correct record the Minutes of the meeting held 25th January 2000 [Enclosed]
5. **Amendment of Standing Orders**
To request changes to Standing Orders in respect of the establishment of Sub-Committees. [Enclosed]

HOWARD BERNSTEIN

Chief Executive
Manchester City Council
Town Hall, Albert Square,
Manchester, M60 2LA

CONTACT OFFICER

Christine Crisp
Committee Services Unit
Tel: 0161 234 3037(Direct)
Fax: 0161 234 3241

AGENDA ISSUED :

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 19th September 2000 [12 Noon]
AGENDA ITEM: Number 5
SUBJECT: Amendments to the Standing Orders of the Joint Committee.
REPORT OF: The Lead Officer
On behalf of the Management Board

PURPOSE OF REPORT

To request the Committee amend the NPASJC Standing Orders in regard to the composition of its Sub-Committees. To report back in regard to the feasibility of utilising video conferencing for the NPASJC meetings.

RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Delete Standing Order 9(ii) which requires the composition of all Sub-Committees to reflect the balance of political parties or groups on the NPASJC.
- [ii] Amend Standing Order 11(i) to provide that the quorum of a Sub-Committee shall be one quarter of the members the Sub-Committee but in any event not less than three.
- [iii] Request the Lead Officer to make representations to Government to alert them to the difficulty of statutory committees utilising video conferencing for their meetings.

CONTACT OFFICERS

Bob Tinsley, NPAS Headquarters, Crown Square, Manchester,
Tel: 0161 834 1881
Poornima Karkera, City Solicitors Office, Manchester City Council, Town Hall,
Manchester
Tel: 0161 234 3227

BACKGROUND DOCUMENTS

Standing Orders of the NPASJC. [Copy attached]

1.0 INTRODUCTION

- 1.1 Members have previously expressed concern about the ultimate size of the Joint Committee, as each Council that becomes a party to the NPASJC Agreement is required by the legislative arrangements to appoint a Member to represent their Council. [Although only a sufficient number of Members need to attend to establish a quorum.]
- 1.2 At the meeting of 25th January, 2000, the Committee requested that a report be prepared for their next meeting with a view to making recommendations for establishing an Executive Sub-Committee. The Sub-Committee would be empowered to act on behalf of the Joint Committee between the dates of the annual [September] meeting. If so established appropriate Terms of Reference for the Executive Sub-Committee were also requested.

2.0 BACKGROUND

- 2.1 Standing Order 9(i) enables the Joint Committee to appoint such Sub-Committees as it thinks fit.
- 2.2 The Terms of Reference for such Sub-Committees would need to be agreed by the Joint Committee as and when each Sub-Committee is established.
- 2.3 Standing Order 9(ii) requires the composition of all NPASJC Sub-Committees reflect the balance of political parties or groups on the NPASJC.
- 2.4 There is however no reason in law why the Joint Committee should allocate places on a Sub-Committee in accordance with the balance of political parties or groups on the Joint Committee. The Management Board consider it more appropriate that Sub-Committees should be composed from representation from the types of councils and their areas. Accordingly, it is recommended that Standing Order 9(ii) is deleted.
- 2.5 Standing Order 11 requires that a quorum for the Joint Committee and Sub-Committee meetings shall be one quarter of its number. It also provides the quorum for the Joint Committee meetings shall not in any event be less than three. It is recommended that the requirement for a minimum number of three should also apply to Sub-Committee(s). Accordingly, an amendment to Standing Order 11 is requested.
- 2.6 Standing Order 19 requires that any motion to vary or revoke the Standing Orders must be confirmed at the next ordinary meeting of the Joint

Committee before the proposed variation or revocation can be considered to be effective.

- 2.7 As most of the Joint Committee's functions have been delegated to officers to enable the day to day functions of the service to continue it has become usual for the Joint Committee to meet annually in September and again in January each year.
- 2.8 To avoid delay in establishing the desired Executive Sub-Committee, the Joint Committee is requested to approve the above change to the Standing Orders at it's first meeting (12 Noon) on 19th September 2000 and, to consider the establishment of the Executive Sub-Committee at it's second meeting (12.30 p.m.) on the same day.
- 2.9 When a Sub-Committee is set up, there is a requirement that the Joint Committee must from the out set decide the composition, size, and Terms of Reference for each Sub-Committee.

3.0 VIDEO CONFERENCING

- 3.1 As a possible alternative members requested further investigation of the possibility of conducting its normal business at their meeting by the utilisation of video conferencing. This would with some limitations be a practical means of avoiding many Members having to undertake long journeys to attend the meetings. It would also be in tune with the government's modernisation agenda by utilising technology to best effect.
- 3.2 The City Solicitor of the Lead Authority has been consulted to see if Members who were not able to attend the NPASJC meetings might nevertheless participate and vote for example by way of video link and if the necessary quorum could be achieved in this way.
- 3.3 For the present it would appear that there is not sufficient legislation available for the Joint Committee to proceed with the utilisation of video conferencing and the meetings to be lawful. By way of explanation Paragraph 39 of Schedule 12 of the Local Government Act 1972 "the Act" provides that questions before Councils must be decided by majority of members present and voting thereon at a meeting of the Council. By paragraph 44 of Schedule 12 the same rule applies to joint committees and sub-committees.
- 3.4 The terms "present" and "meeting" are not specifically defined in the Act. However there has been case law which has determined that "meeting" prima facie means coming together of more than one person and that as regards the meaning of the word "present" all are present who are in the

same room. This seems to make it clear that Members of the Joint Committee or Sub-Committee should be physically present in the same place for there to be a validly constituted meeting. In addition meetings of the Joint Committee are required to be open to the public and notice of such meetings must specify the name and place of the meeting. There may be difficulties complying with this requirement if video conferencing is used.

- 3.5 The view of the Lead Authority's City Solicitor is that legislation relating to Committee meetings does not at present allow for committee meetings to be held via video conferencing. The advice received is that whilst the use of video links does raise interesting possibilities, and whilst in time no doubt the law relating to local government meetings will catch up with the technological advances which have recently been made, given that any irregularity in convening, constituting or conducting a meeting may invalidate the proceedings and decisions taken, it would not be safe to attempt to conduct Joint Committee meetings in this way until such time as the law relating to local authority meetings has been amended to specifically include such practices. Given the majority of functions have been delegated to the Lead Officer and that others are intended to be dealt with by a Sub-Committee the proposal would introduce an unnecessary risk to the validity of the NPASJC's actions.
- 3.6 The Management Board recommend that the difficulty of statutory committees utilising video conferencing for meetings should be drawn to the attention of Government.