



## National Parking Adjudication Service

England and Wales

### **NATIONAL PARKING ADJUDICATION SERVICE MEETING OF THE JOINT COMMITTEE**

**To be held at 12am on 25<sup>th</sup> January 2000 in Committee Room Number 3,  
Town Hall, Manchester, M60 2 LA.**

#### **AGENDA**

##### **PART A**

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 21<sup>st</sup> September 1999 [Enclosed]
5. **NEW NPASJC MEMBER COUNCILS**  
To note that a number of existing SPA / PPA authorities in England [outside London] and Wales have joined or are about to join NPASJC. To extend the appointment of the Chief Parking Adjudicator to cover the areas of these Councils.  
[Report enclosed]

- 6 **BUDGET MONITORING OF REVENUE AND CAPITAL EXPENDITURE**  
To provide budget monitoring information for 1999/2000.  
[Report enclosed]
- 7 **GENERAL PROGRESS**  
To provide information in respect to development of the service and future take up of decriminalised parking enforcement powers by councils in England [outside London] and Wales.  
[Report enclosed]
- 8 **CAPITAL AND REVENUE BUDGETS for 2000/2001**  
To establish the Joint Committee's Capital and Revenue Budgets for 2000/2001  
[Report enclosed]
- 9 **SERVICE CHARGES 2000/2001**  
To establish the NPASJC Service Charges to user councils for 2000/2001  
[Report enclosed]
- 10 **PART-TIME ADJUDICATOR FEES**  
To review and agree the fees for Part-time Adjudicators from 2000/2001  
[Report enclosed]
- 11 **"BEST PRACTICES IN ADMINISTRATIVE JUSTICE" – FEEDBACK**  
To provide feedback to the Joint Committee from The 1999 International Conference "Best Practices in Administrative Justice", organised by The Council of Canadian Administrative Tribunals.  
[Report enclosed]
- 12 **MANAGEMENT BOARD**  
The Joint Committee may wish to convey a suitable message to congratulate Denys Morgan, Director of Technical Services, Neath Port Talbot County Borough Council, and member of the NPASJC officer Management Board on the occasion of him being awarded the OBE , for services to local government and to civil engineering in Wales, in the New Years Honours List.

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**HOWARD BERNSTEIN**  
Chief Executive  
Manchester City Council  
Town Hall, Albert Square,  
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**AGENDA ISSUED : 11<sup>th</sup> January 2000**

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## **NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE**

### **REPORT FOR RESOLUTION**

**DATE:** 25<sup>th</sup> January 2000  
**AGENDA ITEM** Number 5  
**SUBJECT:** New NPASJC Councils  
**REPORT OF:** The Lead Officer,  
On behalf of the Officer Management Board

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#### **PURPOSE OF REPORT**

To request the Committee to confirm the extension of the Chief Parking Adjudicator's appointment to cover the areas of a number of Councils who have become party to the NPASJC Agreement.

#### **RECOMMENDATIONS**

It is recommended that the Joint Committee:

[i] Note that since the meeting held on 21<sup>st</sup> September 1999 the Councils listed in [ii] below will have become or are about to become a party to the NPASJC agreement and,

[ii] Confirm the appointment of the Chief Parking Adjudicator to cover the areas of the following authorities:- Canterbury City Council, Gravesham Borough Council, Sevenoaks District Council, Swale Borough Council, Thanet District Council, Tunbridge Wells Borough Council, Kent County Council in respect of the aforementioned areas, and Medway Unitary Council.

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

There are no immediate consequences to either the Revenue or Capital budgets. However, authorities taking up decriminalised parking enforcement powers will help to assist in future economies of scale.

#### **CONTACT OFFICER**

Bob Tinsley NPAS Headquarters, Crown Square, Manchester.  
Tel: 0161 834 1881

#### **BACKGROUND DOCUMENTS**

National Parking Adjudication Service Agreement.  
Files containing associated correspondence.  
Road Traffic (Parking Adjudicators) (England & Wales) Regulations 1999

## 1.0 **BACKGROUND**

- 1.1 Since the meeting of the Joint Committee on 21<sup>st</sup> September 1999, the following authorities have or are about to become a party to the NPASJC Agreement: Canterbury City Council, Gravesham Borough Council, Sevenoaks District Council, Swale Borough Council, Thanet District Council, Tunbridge Wells Borough Council, and Medway Unitary Council. Kent County Council is already a party to the agreement and therefore does not need to rejoin in respect of the districts of Kent. It is however necessary to extend the appointment of the Chief Parking Adjudicator to cover the on-street areas of the Kent districts mentioned above.
- 1.2 In order to avoid the need for the Joint Committee to meet on each occasion that a Council wishes to join NPASJC it was delegated to the Lead Officer to extend the appointment of the Chief Parking Adjudicator to cover such areas. Similarly, the authority to appoint part-time Parking Adjudicators to the areas of joining Councils was delegated to the Chief Parking Adjudicator.
- 1.3 Leading Counsel previously advised that as soon as possible after such delegation has been exercised it is prudent for the Joint Committee to resolve to confirm the appointment of the Chief Parking Adjudicator to cover these areas. Accordingly, the Committee are requested to confirm the action of the Lead Officer as detailed in the recommendations of this report.



**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE**

**REPORT FOR RESOLUTION**

**DATE:** 25<sup>th</sup> January 2000

**AGENDA ITEM** Number 6

**SUBJECT:** Monitoring of Revenue and Capital Accounts for  
1999/2000

**JOINT REPORT OF:** The Lead Authority  
On behalf of the Management Board

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**PURPOSE OF REPORT**

To present to the Committee expenditure monitoring information in respect of the Revenue and Capital Accounts for the 1999/2000

**RECOMMENDATIONS**

It is recommended that the Joint Committee:

[i] Note the expenditure monitoring information presented in the body of the report.

[ii] Authorise the Lead Officer to call upon the Lead Authority's Development Fund Loan arrangement should this become necessary to meet a shortfall in the Joint Committee's 1999/2000 accounts.

**CONTACT OFFICERS**

Bob Tinsley NPAS Headquarters, Crown Square, Manchester.  
Tel: 0161 834 1881

**BACKGROUND DOCUMENTS**

Files containing funding bids to government and associated correspondence.  
Minutes of the NPASJC Meeting 19<sup>th</sup> February 1999  
Report to the Joint Committee on 21<sup>st</sup> September 1999, Monitoring of Revenue and Capital Accounts for 1999/2000

## **1.0 INTRODUCTION**

- 1.1 At the meeting of 21<sup>st</sup> September 1999 a report was submitted to provide the Committee with an update in respect to the budget estimates. At that time it was reported the service effectively only commenced in early July 1999 it was too early to provide a meaningful indication of the income and expenditure incurred that is chargeable to the revenue and capital accounts.
- 1.2 This report provides the Committee with the latest available expenditure position. Details are given in the Appendix.
- 1.3 The adjudication service is operated on a self-financing basis with income obtained from charges made to NPASJC member authorities. Capital approvals were obtained from central government of £100,000 in 1998/1999 and a further £100,000 in 1999/2000. In addition Manchester City Council has made £250,000 available during the first five years of operation via a loan should this be needed to financially support the service during its early years.

## **2.0 BACKGROUND**

### **2.1 Revenue Expenditure**

- 2.2 The revenue budget estimate was established by the Committee for 1999/2000 on the basis that this would reflect a full financial year operation of the service. As the service effectively commenced operations in early July 1999 only a part year of income will be obtained. Accordingly, the Service Director in consultation with the Management Board has managed the revenue finances of the service with a view to balancing expenditure and income. Details are given in the Appendix.
- 2.3 Although the monitoring of the expenditure and income are presently showing a surplus of £8,758 the Service Director is of the opinion that it is more likely that the revenue account will break even by the year end.
- 2.4 Should it be the case that the revenue account falls into deficit, Manchester City Council has made a loan available should it be needed. A recommendation has therefore been included for this eventuality.

### **2.5 Capital Expenditure**

- 2.6 Supplementary Credit Approval of £100,000 was obtained from central government in 1998/1999 to finance the Capital expenditure required to establish the NPASJC. There was a very short time frame between the

approval by the Joint Committee on 19<sup>th</sup> February 1999 and the closing date for payments made to be eligible for funding in 1998/1999 accounting period. For the purposes of funding Capital expenditure, it is only possible to charge against a SCA actual payments made to contractors where the choquo dato is 31<sup>st</sup> March or earlier. Although £108,000 was committed by the Lead Authority, it only proved possible to process payments totalling £55,360 during 1998/1999. Details of the capital account for 1998/1999 are also given in Appendix 1.

- 2.7 The Government Office North West has issued a revised 1998/99 SCA certificate that provides for a fifteen month spend period from April 1998. This has enabled expenditure that was incurred immediately after the 31<sup>st</sup> March 1999 deadline to be allocated fully against the £100,000 SCA for 1998/99.
- 2.8 For ease of expenditure monitoring purposes the expenditure against the 1998/99 and 1999/00 SCA approvals are being treated as a consolidated account, although these will be separated for final account purposes.
- 2.9 It is presently predicted that the total £200,000 will be fully spent by the end of March 2000 in line with the approvals.

**APPENDIX 1**

**NATIONAL PARKING ADJUDICATION SERVICE**

**REVENUE MONITORING**

	<b>1999/2000 APPROVED ESTIMATE</b>	<b>1999/2000 PROJECTED ACTUAL</b>
<b>Employees</b>		
Wages costs	179610	140275
Adjudicator costs and Other Expenses	70600	28125
	<u>250210</u>	<u>168400</u>
<b>Premises</b>	26570	23800
<b>Supplies and Services</b>	75720	48900
<b>Service Management/Central Support</b>	44720	21000
<b>Repayment of Development Fund Loan</b>	0	0
<b>Expenditure Written Forward to 99/00</b>	22000	0
<b>Gross Expenditure</b>	<u>419220</u>	<u>262100</u>
<b>INCOME</b>		
Annual Charge	10500	3590
Case Charge	47400	2580
P C N Charge	331820	264688
Development Fund Loan	29500	0
<b>Total Income</b>	<u>419220</u>	<u>270858</u>
<b>NET SURPLUS / (DEFICIT)</b>	<u>0</u>	<u>8758</u>

**CAPITAL ACCOUNT for 1998/1999**

	<b>Expenditure (£)</b>
Furniture and Fittings	0
Adaptations	40,783
Architects Fees	4,803
Computers – IT	9,774
<b>Total Capital Expenditure</b>	<b><u>55,360</u></b>

**CAPITAL ACCOUNT BUDGET MONITORING 1999/2000**

	<b>Expenditure (£)</b>
Furniture and Fittings	18,000
Adaptations	33,378
Architects Fees	0
Computers – IT	38890
<b>Total Capital Expenditure to Sept 1999</b>	<b><u>90,268</u></b>
<b>Commitments since Sept 1999</b>	
Office Equipment	2,494
Adaptations	2,000
Computers – IT	49,878
<b>Total commitments</b>	<b><u>54372</u></b>
<b>Total Projected over (under) spend 1998/99 &amp; 1999/00</b>	<b><u>0</u></b>

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE**

**REPORT FOR RESOLUTION**

**DATE:** 25<sup>th</sup> January 2000

**AGENDA ITEM** Number 7

**SUBJECT:** General Progress report in respect of the service and future take up of decriminalised parking enforcement powers by councils.

**JOINT REPORT OF:** The Lead Authority  
On behalf of the Management Board

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**PURPOSE OF REPORT**

To inform the Committee of progress being made in the development of the service and the present information of councils proposing to take up decriminalised parking enforcement powers.

**RECOMMENDATIONS**

It is recommended that the Joint Committee:

- [i] Note the information provided in the body of the report
- [ii] Agree to the appointment of Pentacom Ltd. as the Information Technology Internet consultant for 1999/2000 and 2000/2001

**CONTACT OFFICERS**

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Tel: 0161 834 1881

**BACKGROUND DOCUMENTS**

Files containing funding bids to government and associated correspondence.  
Minutes of the NPASJC Meeting 19<sup>th</sup> February 1999

## 1.0 INTRODUCTION

- 1.1 This report provides general information in respect of, likely service take up by local authorities during 2000/2001, the appeal cases received since operations commenced, work being undertaken to develop performance indicator measures, development of Information Technology to assist in case management and the official Register and, the establishment of service user groups.

## 2.0 BACKGROUND

- 2.1 Appendix 1 of this report provides the current information with whom positive contact has recently been established with local authorities who have indicated their intention to adopt decriminalised parking enforcement powers. The Service Director will be conducting a survey of local authorities in early 2000 in an attempt to consolidate this information which is helpful to future service planning.
- 2.2 The service became operational in early July 1999 since which [ to end of November] the following Appeal cases have been received.

Authority	Received	Decided	In Preparation
Buckinghamshire	29	18	11
Hastings	4	1	3
Luton	1	0	1
Maidstone	14	7	7
Manchester	67	40	27
Neath Port Talbot	4	0	4
Oxfordshire	47	24	23
Watford	29	29	0
Winchester	6	4	2
Portsmouth	0	0	0
Total	201	123	78

- 2.3 In addition to the above cases a total of 78 outstanding cases were passed to NPAS from the London Parking Appeals Service in respect of those local authorities who had previous temporary arrangements with TCfL. All these cases have now been decided.
- 2.4 The statutory procedure requires a minimum delay of 21 days between receipt of the appeal and it being considered by an Adjudicator. This allows for each party to submit their evidence, and the necessary arrangements for the case to be heard, etc. From a service planning point:

of view and the complexity involved in the progression of each case, the ideal time period for an appeal to be considered by an adjudicator is between 35 and 42 days from receipt of the appeal.

- 2.5 Generally, the service is coping with the demands being placed on it with prompt attention being given to the necessary steps involved in dealing with each case. The Chief Adjudicator, Service Director and Management Board are working towards a meaningful means of measuring and reporting performance indicator levels and quality of service provision. It is considered that the statistics should concentrate on case management and complaints against the service, not the results of appeals themselves. Also under consideration are benchmarks that would allow comparisons of costs per case and time taken per case so that NPAS could establish service standards that can be delivered.
- 2.6 Information Technology development is underway. The basic computer network at headquarters is now in place. A case progression data base is under development and almost complete. The data base will inform the official case Register that must be kept by the Proper Officer. An IT consultant Pentacom Ltd has been retained to develop an Internet web site which it is expected will be available for launch on 1<sup>st</sup> March 2000.
- 2.7 The Service Director is intending to utilise approximately £35k of the remaining capital budget on developing the Internet communication system that will allow the electronic transfer of case file information, etc between headquarters, adjudicators and local authorities. A future step would be to provide a means by which an appeal "on-line" could be received. To achieve this it is proposed to use the Web site IT consultant, Pentacom Ltd who have the necessary expertise and experience. A further £35k has been included for further development of this aspect of the IT system within the 2000/01 Revenue estimates. As the total value of the consultation fees will be below the EC threshold there will be no need to advertise this in the OJ. This aspect of system development requires an alliance of core competencies between NPAS personnel and Pentacom as a consultant for the system to be developed in a meaningful and cost effective manner. A straight forward client contractor relationship would therefore not be appropriate. For these reasons it is recommended that Pentacom Ltd be retained as the Joint Committee's consultant for the development of Internet related IT systems during 1999/2000 and 2000/2001. The consultation fees would be based on commercial rates for this type of service.
- 2.8 A local authority user group has been established and has met on two occasions. Future meetings are planned on a quarterly basis. The group allows for the discussion of areas of common interest and has been of



advantage to both NPAS and the local authorities. A series of guidance notes are under development that will assist in the processing of appeals.

- 2.9 An appellants user group is also planned with the first meeting to be arranged to coincide with the launch of the Web site. Representation from interested organisations are to be invited, such as RAC, AA, FTA , RHA, BVLRA, CAB, Disabled Drivers Group, Courier Group, Motorcyclists Group, etc.

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE**

**REPORT FOR RESOLUTION**

**DATE:** 25<sup>th</sup> January 2000  
**AGENDA ITEM** Number 8  
**SUBJECT:** Revenue and Capital Budgets 2000/2001  
**REPORT OF:** The Lead Authority  
On behalf of the Management Board

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**PURPOSE OF REPORT**

To request the Committee to approve the Revenue and Capital Budgets for 2000/2001

**RECOMMENDATIONS**

It is recommended that the Joint Committee:

- [i] Agree to adopt the Revenue Budget estimates for 2000/2001 as detailed in the Appendix.
- [ii] Agree to adopt the five year projected capital estimates as detailed in the Appendix.
- [iii] Request the Lead Authority to include the Revenue and the five year projected Capital estimates into its Local Transport Plan to Government on behalf of the Joint Committee.

## **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 charges made to participating local authorities.

Those charges are the subject of a separate report on the agenda and are recommended with a view to the service becoming self financing as soon as possible.

In the short term, advantage has been taken to off set much of the start up costs from the £200,000 of Supplementary Credit Approvals obtained from government during years 1998/1999 and 1999/2000.

A loan of up to £250,000 has been made available from the Lead Authority's Development Fund, should this be needed over the first five years of the service.

## **CONTACT OFFICERS**

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Rob McEwan, City Treasurer's Dept, Manchester City Council.

Tel: 0161 234 3447

## **BACKGROUND DOCUMENTS**

Files containing funding bids to government and associated correspondence.

Minutes of the NPASJC Meeting 19<sup>th</sup> February 1999

## **1.0 INTRODUCTION**

- 1.1 An assessment has been made of the likely service take up during 2000/2001 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 operated on a self-financing basis with income obtained from charges made to NPASJC member authorities. Capital approvals were obtained from central government of £100,000 in 1998/1999 and a further £100,000 in 1999/2000. In addition, Manchester City Council has made £250,000 available during the first five years of operation via a loan, should this be needed to financially support the service during its early years.

## **2.0 BACKGROUND**

- 2.1 The adjudication service has had the benefit of Supplementary Credit Approvals (SCAs) that are being used to off set some of the start up costs associated with establishing the service. These items consist of office refurbishment, furniture and information technology. It is expected that the full £200,000 covered by SCAs will be spent by the end of 1999/2000.
- 2.2 Although the service has benefited from the capital approvals in 1998/99 and 1999/2000 it has only been operational since the beginning of July 1999 and therefore has not had the experience of operating for a full financial year. Over time greater experience will be obtained of the demands on the service that will provide a better basis for setting the budget Estimates.
- 2.3 Based on current spending against and the expected take up of decriminalised parking enforcement powers by other local authorities during 2000/2001, an assessment has been made of the revenue budget needs of the service. These are detailed in the Appendix. A contingency of £47,895 has been included in the Estimates, which, if needed, would be covered by a £50,000 loan from the Lead Authority's Development Fund.
- 2.4 The budget has been set with a view to meeting the expected demands on the service without increasing the service charges, which are reported elsewhere on the agenda.
- 2.5 It is not expected that there will be a need for capital expenditure during 2000/2001. However, relocation of the service headquarters is expected during 2003/4, for which capital expenditure will also be required in the year before and after. At this stage it is too early to forecast with any

degree of accuracy the exact timing or level of capital funding that will be needed for this purpose. However, in line with government guidance for Local Transport Plans it is recommended that the five year profile detailed in the Appendix is adopted by the Joint Committee. This profile will need to be included in the Lead Authority's LTP submission to government on behalf of the Joint Committee.

- 2.6 The premises that will be needed at the time of relocation of the service headquarters must be seen to be independent of member local authorities. Suitable premises have yet to be sought, as a more accurate sizing of the service will be needed. A survey of local authorities in England and Wales is planned during 2000, to estimate intended take up of decriminalised parking enforcement powers and hence likely demands on the adjudication service.

## APPENDIX

### RECOMMENDED REVENUE ACCOUNT ESTIMATE for 2000/2001

	£
Employees	350,355
Premises	33,000
Supplies and Services	111,500
Service Management and Support	79,000
Repayment of Development Fund Loan	0
Contingency	47,895
<b>TOTAL EXPENDITURE</b>	<b>621,750</b>
Annual Contribution [£500]	11,750
Penalty Charge Notices [£0.70]	490,000
Adjudication Case Charge [£10]	70,000
Development Fund Loan	50,000
<b>TOTAL INCOME</b>	<b>621,750</b>
<b>NET EXPENDITURE</b>	<b>0</b>

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### Recommended Capital Programme for 2000/2001

It is not anticipated that there will be a requirement for capital expenditure during 2000/2001.

For the purposes of Local Transport Plans a budget estimate profile is provided below.

### Five Year Capital Account Budget Estimate Profile 2001-2006

Year	[2000/1]	2001/2	2002/3	2003/4	2004/5	2005/6
	[£000]	£000	£000	£000	£000	£000
Estimate	[nil]	nil	20	150	30	nil

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE**

**REPORT FOR RESOLUTION**

**DATE:** 25<sup>th</sup> January 2000

**AGENDA ITEM** Number 9

**SUBJECT:** To establish the NPAS.IC Service Charges to user councils for 2000/2001

**JOINT REPORT OF:** The Lead Authority  
On behalf of the Management Board

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**PURPOSE OF REPORT**

To establish the charges to be levied from local authorities participating in the Joint Committee's adjudication service during 2000/2001

**RECOMMENDATIONS**

It is recommended that:

[i] The Joint Committee adopt the existing 1999/2000 charges in support of the service to be made to participating local authorities during the financial year 2000/2001, as detailed below.

ELEMENT	CHARGE
Annual Charge	£500.00
Charge per PCN Issued	£0.70
Charge per Adjudication Case	£10.00.

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

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

The charges have been recommended to be set with a view to the service becoming self financing as soon as possible.

A loan of up to £250,000 has been made available from the Manchester City Council Development Fund, should this be needed.

### **CONTACT OFFICER**

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Rob McEwan, City Treasurer's Dept, Manchester City Council.

Tel: 0161 234 3447

### **BACKGROUND DOCUMENTS**

Note of the National Parking Adjudication Service Working Party meeting held on 2<sup>nd</sup> November 1998  
Management Board Minutes.



1.0 **INTRODUCTION**

1.1 An essential element for a local authority when adopting decriminalised parking enforcement powers is the existence of a means to appeal to an independent parking adjudicator. The Special Parking Area / Permitted Parking Area authorities are required to fund adjudication as part of their powers.

2.0 **BACKGROUND**

2.1 The adjudication service is to be operated on a self-financing basis with revenue obtained from charges made to participating [SPA] local authorities. An estimate has been made of the likely service take up during 2000/2001. The level of charging has been based on this predicted service activity.

2.2 The number of adjudication cases referred to the service have been predicted at the 1% level of the total number of Penalty Charge Notices [700,000] estimated to be likely to be issued by service user councils during 2000/2001.

2.3 An undertaking was given to government in the run up to establishing the service, that the service would be made available to all SPA/PPA authorities in England [outside London] and Wales. In establishing the charges and considering the options for recommendation the Management Board have been mindful of the need to ensure that the charges are both equitable and not prohibitive to any particular type or size of local authority.

2.4 It is currently estimated that the charging levels for 1999/2000 will result in a break even revenue account. Whilst there is estimated to be an increase in the councils using the service, and hence the number of PCNs issued, there is a corresponding need for additional resources to cope with the increased workload. As inflation is currently at a low level the Management Board consider that the present level of charging can be maintained for the coming financial year.

2.5 It is therefore, recommended that the following service charges be adopted by the Joint Committee for 2000/2001.

ELEMENT	CHARGE
Annual Charge	£500.00
Charge per PCN Issued	£0.70
Charge per Adjudication Case	£10.00

2.6 The charge per PCN would be the number equivalent to the figure returned to the Home Secretary as part of the statistical returns.

## **NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE**

### **REPORT FOR RESOLUTION**

**DATE:** 25<sup>th</sup> January 2000

**AGENDA ITEM** Number 10

**SUBJECT:** To establish the part-time Adjudicator Fees for 2000/2001 and future years.

**JOINT REPORT OF:** The Lead Authority  
On behalf of the Management Board

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#### **PURPOSE OF REPORT**

To review the current fees level for part-time Adjudicators and establish the fees to be paid during 2000/2001

#### **RECOMMENDATIONS**

It is recommended that:

- [i] The Joint Committee adopt a day rate fee structure for the part-time Adjudicators.
- [ii] The day rate fee in [i] above be based on Group 7 of the Senior Salaries Review Board and, the calculation for Class D of the fee structure for part-time judicial and tribunal appointments in Appendix H of the SSRB Report with an implementation date from 1<sup>st</sup> April each year.
- [iii] That the above recommendation be effective from 1<sup>st</sup> April 2000

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

By adopting a day rate based fee structure in line with the national SSRB judicial structure a more cost effective means of paying for part-time adjudication will be achieved.

There are no immediate affects to either the revenue or capital budgets.

#### **CONTACT OFFICER**

Bob Tinsley, NPAS Headquarters, Crown Square, Manchester.  
Tel: 0161 834 1881  
Bill Baxter, Chief Executives Dept. Manchester City Council  
Tel: 0161 234 1813

#### **BACKGROUND DOCUMENTS**

Review Body on Senior Salaries, Report No 41, Cm4245, HMSO.

## **1.0 INTRODUCTION**

- 1.1 An essential element for a local authority when adopting the decriminalised parking enforcement powers is that there must be in place a means of the motorist appealing to an independent parking adjudicator. The Special Parking Area / Permitted Parking Area authorities are required to fund adjudication as part of their powers.
- 1.2 A cost effective means of providing for the required number and availability of parking adjudicators is to make appointments on the basis of part-time arrangements.
- 1.3 The part-time Parking Adjudicators operate as a one member tribunal. Their appointments are judicial appointments and are therefore made with the consent of the Lord Chancellor .
- 1.4 The fees originally set by the Committee were on the basis of an hourly rate. This report seeks the Committee's approval to adopting a daily rate and linking it to the appropriate national fee structure level for part time legal tribunal members.

## **2.0 BACKGROUND**

- 2.1 The part-time adjudicator fees were originally set by the Committee based on a similar hourly rate paid by the Transport Committee for London.
- 2.2 In practice it has been found that there are fundamental differences in the mode and manner in which the part-time adjudicators perform their duties for NPAS compared with the London service.
- 2.3 In London the part-time adjudicators perform their duties on the premises at the headquarters in New Zealand House. This is the situation whether the adjudication case is a postal decision or is attended in person by the appellant. Early morning, early evening and Saturday morning adjudication sitting are a regular feature of their work. Under these circumstances it is easier and more appropriate for the fee to be fixed on an hourly rate.
- 2.4 This contrasts with the NPAS part-time adjudicators who deal with the cases by NPAS sending case files to their home or office as appropriate. Cases are dealt with at their premise if postal, or by the adjudicator travelling to one of the local hearing centres if personally attended. In this situation it is more difficult to control the time spent on adjudication and an assessment needs to be made of the time it would take to reasonably deal with the cases including the writing up time. Whilst it is not proposed to

pay travelling time, reasonable expenses would be reimbursed. The distance/travel time between the adjudicators' normal location and the local hearing centre is variable depending on circumstances.

- 2.5 It is considered that such issues should be taken within "the round" of the fee structure and therefore would be more appropriately accommodated by the fees being based on a daily rate.
- 2.6 In March each year the Senior Salaries Review Board publishes guidance on the appropriate level of fee to be for appointments of this nature. Parking Adjudicators equate to the lowest grade of part-time judicial appointment, which is Band 7. The SSRB recommends that a denominator of 220days should be used to convert the annual salary to a daily fee.
- 2.7 The Management Board are mindful that the daily fee recommended by the SSRB is at the same level as the Chief Parking Adjudicator. However, The SSRB Report provides for this eventuality by adjusting the fee to 90% of the full-time appointment. The Management Board were also mindful that the resultant daily fee would equate to the need for the part-time adjudicators to work approximately 9 hours at the original hourly fee level [£35] if the fee were to apparently remain equitable. Also if the 9 hours were extrapolated over a five day week this would be very close to the EC/National maximum working week. It is however not unusual for people at this level to work such long hours, and the work is offered on an ad-hoc basis depending on demands for the service.
- 2.8 The SSRB usually reports to government in March each year. In order to provide for implementing the recommendations, it is recommended that should the Committee agree to adopt the daily fee structure for part-time adjudicators then it should be implemented from April each year.

### **3.0 COMMENTS OF THE LEAD AUTHORITY'S HEAD OF PERSONNEL MANAGEMENT**

#### **3.1 Part Time Adjudicators -National Joint Parking Adjudication Service**

- 3.2 I have considered the report on fee arrangements for the Appointment of Part-time Adjudicators to the National Parking Adjudication Service and support the principle of moving from an hourly fee basis to that of payment upon a daily rate basis.

- 3.3 I am satisfied that the current method of payment upon an hourly fee basis will not provide as efficient a method of providing the service as would a daily fee payment for adjudication.
- 3.4 As the adjudication workload grows so will the administrative burden of maintaining an appropriate administrative system of control on hourly fee payments that meets the national audit standards on Local Authority expenditure and simplification of the payment system by the introduction of an all inclusive daily fee is not unreasonable.
- 3.5 I have considered the fee and salary scales for judicial appointments contained within the report (Attached as Appendix H) and can support a daily rate based upon a Class D Judicial Appointment.
- 3.6 This level of appointment and taking into account the adjustments necessary as the result of the 1992 Phased Pay award and the 1999 Senior Salaries Review Board recommendations mean that the daily fee currently should be set at £305. This will require adjustment in response to any future recommendations of the national Senior Salaries Review Board on Judicial Salaries when made. The application date for such a review is normally 1st April in any particular year.

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE**

**REPORT FOR RESOLUTION**

**DATE:** 25<sup>th</sup> January 2000

**AGENDA ITEM** Number 11

**SUBJECT:** "BEST PRACTICES IN ADMINISTRATIVE JUSTICE"  
– CONFERENCE FEEDBACK

**JOINT REPORT OF:** The Chief Adjudicator

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**PURPOSE OF REPORT**

To provide feedback to the Joint Committee from The 1999 International Conference "Best Practices in Administrative Justice", organised by The Council of Canadian Administrative Tribunals.

**RECOMMENDATIONS**

It is recommended that the Joint Committee note the information provided in the body of the report

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**BACKGROUND DOCUMENTS**

Conference Papers, The 1999 International Conference "Best Practices in Administrative Justice".

## **1.0 INTRODUCTION**

- 1.1 The Chief Adjudicator was asked, to present a paper, jointly with Professor John Raine, on setting up the parking Adjudication Service to the second International Conference on Administrative Justice in Vancouver. Professor Raine, the Director of the School of Public Policy and INLOGOV at Birmingham University, had previously conducted the User Survey of the London parking Appeals Service and prepared report for the Lord Chancellor's Department on Parking Adjudication as a model for other new tribunals.
- 1.2 The Conference took place in Vancouver on 10,11, and12 October 1999.

## **2.0 BACKGROUND**

- 2.1 The first International Conference on Administrative Justice was in Bristol in 1997, when the Chief Adjudicator and Professor Raine first presented a paper together.
- 2.2 The recent conference in Vancouver was attended by delegates of tribunals from around the world, in particular countries with the English legal system, and from the EU. Papers were presented from a wide variety of practitioners and academics discussing current trends and best practice in different tribunals. While many initiatives were covered it was clear that tribunals the world over share many of the same challenges and concerns. The key issues which emerges as being common to all tribunals were:
  - Independence
  - Accountability
  - The relationship between the judicial side and the administrative side
  - Technology
  - Training
  - Access to Justice
  - Human Rights
- 2.3 Most of the papers presented were of direct relevance to the NPAS. In particular the sessions on technology in Canada and the USA provided valuable insights and inspiration for the development of the new NPAS system.
- 2.4 A key issue facing NPAS is the impact of remote working and distant adjudicators. The experience of the Canadian tribunals was of

considerable assistance, especially the acclaimed training programme developed by the Canadian Council on Administrative Justice (CCAT). CCAT have made their programme and training materials available to the Chief Adjudicator for use in the core training of the new adjudicators.

- 2.5 The Chief Adjudicator and Professor Raine's paper was well received. It was presented in the session dealing with the Globalisation of Administrative Justice. The other speakers in that section were the President of the Law Commission of Canada, Professor Martin Partington representing the Council on Europe, and Professor David Gantz of the American Trade Disputes. NPAS was considered to represent "globalisation" since the proposed web based technology is considered to be an initiative with international potential.
- 2.6 Since the conference many delegates have been in touch with the Chief Adjudicator requesting further information. In particular the Department of Transportation in Canada is considering decriminalised parking enforcement, also dealing with violation of vessel berth permit schemes. They are looking at NPAS as a model.