

**NATIONAL PARKING ADJUDICATION SERVICE  
MEETING OF THE FIVE YEAR REVIEW SUB-COMMITTEE**

To be held at 11.00 a.m. on 26<sup>th</sup> March 2004  
The NPAS Offices, 6<sup>th</sup> Floor Barlow House,  
Minshull Street, Manchester, M1 3DZ

**AGENDA**

**PART A**

1. **APOINTMENT OF CHAIR, VICE CHAIR and ASSISTANT CHAIR**  
To appoint Members to serve as Chair, Vice Chair and Assistant Chair of the Sub-Committee.  
(These appointments to be effective until the Annual meeting in 2004)
2. **URGENT BUSINESS**  
To consider any items which the Chair has agreed to have submitted as urgent.
3. **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.
4. **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.
5. **MINUTES**
  - (a) This being the first meeting of the five year review sub-committee there are no previous minutes.
  - (b) To note the Minutes of the Executive Sub-committee meeting held at 12.00 pm on 27th January 2004.  
[Enclosed]

- 6. THE GOVERNANCE OF THE NPASJC ARRANGEMENTS**  
To note the governance arrangement that has been in place over the first five years of the agreement.  
To consider any changes needed to the governance arrangement.  
**[Report enclosed]**
- 7. THE NEXT FIVE YEARS - FORWARD PLAN**  
To note information provided regarding the future requirements likely to be placed on the Joint Committee's service arrangements in the next five years.  
**[Report enclosed]**

**PART B**

**Public excluded and not for publication by virtue of information relating to employment matters – Paragraph 1, LGA 1972 refers.**

- 8. RE-APPOINTMENT OF THE CHIEF PARKING ADJUDICATOR**

**SIR 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 : 17<sup>th</sup> March 2004**

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE  
FIVE YEAR REVIEW SUB-COMMITTEE**

**REPORT FOR RESOLUTION**

**DATE:** 26<sup>th</sup> March 2004  
**AGENDA ITEM** Number 6  
**SUBJECT:** The governance of the NPASJC arrangements  
**REPORT OF:** The Lead Officer  
On behalf of the Advisory Board

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**PURPOSE OF REPORT**

To note the governance arrangement that has been in place over the first five years of the NPASJC agreement.

To consider any changes needed to the governance arrangement.

**RECOMMENDATIONS**

It is recommended the Sub Committee:

- [i] Note the present governance arrangements have largely worked satisfactorily during the first five years of operation.
- [ii] Note improved service could be obtained by developing a service level agreement with the lead authority and request that officers develop a proposed Service Level Agreement with the Lead Authority for approval at a future meeting.
- [iii] Note a revised scheme of delegation to officers could provide for a more autonomous management arrangement in line with the independent nature of the service and request that officers provide a report to a future meeting of the Joint Committee on this topic.
- [iv] Note it will be necessary to establish a second a joint committee arrangement for bus lane enforcement adjudications in England (outside London).
- [v] Request that Manchester City Council consider approaching other councils with a view to making arrangements for the establishment of a Bus Lane Enforcement Adjudication Joint Committee at the appropriate time such that the

operation could act in as seamless manner as possible with the parking adjudications.

[vi] Note that in the future a combined arrangement for adjudications for civil enforcement areas would supersede the parking and bus lane adjudication arrangements.

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

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

There are no immediate consequences on the capital or revenues budgets.

It is not clear at this stage whether separate accounting arrangements would be needed for a bus lane adjudications arrangement and how this would impact on the financial affairs of the NPASJC

### **CONTACT OFFICER**

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

### **BACKGROUND DOCUMENTS**

Report to NPASJC Committee Meeting held on 18<sup>th</sup> September 2002, NPASJC Additional Functions.

## **INTRODUCTION**

- 1.0 The terms of reference for the sub-committee includes:
- (a) To undertake a five year review of the NPASJC Agreement jointly with the Lead Authority including the examination of the NPASJC Constitution, Standing Orders, Scheme of Delegation, Financial Standing Orders and Rules of Financial Management, and
  - (b) To undertake a review of the adjudication service arrangements needed to cater for the take up of decriminalised parking enforcement and other forms of future decriminalised enforcement by local authorities that are likely to fall within the remit of the Joint Committee and prepare a five year growth plan for the service.
- 1.1 This report deals with matters detailed in (a) above and the likely governance arrangements that would be needed with regards to other forms of future decriminalisation.
- 1.2 Other matters referred to in the terms of reference are dealt with elsewhere on the agenda.

## **2.0 BACKGROUND**

### **2.1 The NPASJC Constitution**

2.2 The NPASJC agreement details the constitutional arrangements. The powers to establish and then conduct the affairs of the joint committee are derived largely from the Local Government Acts and the Local Authority (goods and services) Act. These acts and the agreement provide for the constitutional arrangements.

2.3 The NPASJC was established to enable constituent councils to exercise their functions appointing Adjudicators, etc. under Section 73 of the Road Traffic Act 1991, as amended by the various designation orders. Typically these functions are:-

“The parking authority shall –

- (a) with the consent of the Lord Chancellor appoint persons to act as parking adjudicators for the purposes of this Act in relation to the parking area;
- (b) provide or secure the provision of accommodation and administrative staff for parking adjudicators so appointed; and
- (c) determine the places at which such parking adjudicators are to sit.”

The legislation requires the functions to be exercised jointly with the other NPASJC councils in accordance with the requirements of the order designating their council to be a special parking /permitted parking area. The full NPASJC functions as provided for in the agreement are detailed in Appendix 1.

- 2.4 The object of the NPASJC is to provide a national joint committee of councils outside London having special and permitted parking area designation orders (SPA/PPA areas) for the purpose of appointing independent adjudicators to hear and determine appeals against penalty charge notices by motorists. NPAS aims to provide fair, consistent and equitable adjudication for appellants and councils in line with government advice contained in Circular 1/95. Its remit is limited to these matters and it was not intended at that the NPASJC should have a wider transportation or parking role. The declared aims and objectives of the service are detailed in Appendix 2.
- 2.5 Initially the arrangements were set up by Kent, Hampshire, Winchester and Manchester to fulfil a pressing need for independent adjudication within these areas. It has always been a primary objective that the arrangements made would be open to all other Councils outside London who wish to participate and avail themselves of the national adjudication service and consultation took place with the DETR (now DfT) to achieve this aim.
- 2.6 The Agreement that regulates the setting up of the Joint Committee provides for one elected Member for each constituent Council. If the nominated Member cannot attend the meeting, provision is made for a named substitute to attend in his/her place. The Joint Committee is scheduled to meet at least twice a year although it has recently established an Executive Sub-Committee that means under normal circumstances it now need only meet annually. Meetings have been held in both Manchester and more recently in Birmingham.
- 2.7 The role in effect for Members of the Joint Committee is to oversee the functions of NPAS as an Independent Tribunal. There is not a role as such in respect of the parking enforcement activities of the Local Authority they represent on the Joint Committee.
- 2.8 The Joint Committee has delegated decision making in relation to the majority of day to day matters to a "Lead Officer" (initially the Lead Officer is the Chief Executive of Manchester) or to the Chief Parking Adjudicator, depending on the subject matter. For the most part the NPAS Service Director acts on behalf of the "Lead Officer" on appropriate day to day matters.

- 2.9 Except in the case of urgent business the Lead Officer, in exercising the functions delegated to him is required to consult with an officer working party (the Advisory Board) comprising officers currently nominated by the Councils of Bournemouth, Hampshire, Winchester, Neath Port Talbot, and Manchester. Representatives of the Department for Transport and National Assembly for Wales have been appointed members of the Advisory Board. There are also two other representatives, a lay member who is a member of the Lord Chancellor's judiciary appointments panel, and a representative from the motoring organisations, currently from the RAC Foundation.
- 2.10 Because the Joint Committee has no corporate status and cannot therefore contract, one of the constituent Councils has been appointed Lead Authority to enable goods and services to be provided on behalf of the Joint Committee. Manchester has been appointed the Lead Authority.
- 2.11 Whilst the Agreement provides for the terms on which the Joint Committee is to operate, including making provision for the joining of new members and for the appointment of a Lead Authority, it does not set out in detail the amount of contributions required from member councils. These contributions were decided by the Joint Committee at its first meeting and were set at a level which should not be prohibitive to any council wishing to join the Joint Committee. These charges are reviewed annually usually at the January meeting.
- 2.12 These over arching arrangements have largely work satisfactorily during the first five years of operation and therefore no amendment to it are being recommended as part of this review.

### **3.0 Service Level Agreement with the Lead Authority**

- 3.1 Because the NPASJC is not a public body in its own right, the service of necessity has to interact with the lead authority in the provision of goods and services. The goods and services include employment and other contractual types of service, accountancy and financial management, ICT, risk management, committee services, and associated legal services.
- 3.2 Most items are accounted for under a separate accountancy coding arrangement. However there are a number of items where NPAS interfaces with the Lead Authority and where it would be counter productive to separate out the costs individually. These items include, legal matters such as the NPASJC agreements (e.g. new councils joining) and general legal advice, committee services re clerking the NPASJC meetings, minutes, agendas, etc., accounts re invoices, cost collection, order payments, financial advice, general financial support, central and departmental IT support, land & property re headquarters leasing

arrangements and related advice generally, personnel services, payroll, personnel advice, general IIR support, structures and reviews, etc.

- 3.3 An item, 'service management & support', of £43,000 based on a best estimate has been included in the budget for this purpose. Sufficient experience has now been gained for a service level agreement to be developed to cover this item. The Service Level Agreement (SLA) would provide greater clarity to the items and scale of the services to be provided and the time scale that they would be needed.
- 3.4 It is therefore being recommended that an improved service could be obtained by developing a service level agreement with the lead authority and that the officers are requested to develop a proposed SLA for approval at a future meeting of the joint committee.

#### **4.0 Scheme of delegated functions**

- 4.1 At the meeting held on 19<sup>th</sup> November 2001 the Joint Committee adopted a scheme of delegated functions (see Appendix 3).
- 4.2 At the meeting the committee agreed 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 Parking Adjudicator is adopted.
- [3] With the exception of Item 6(IV) of the Scheme, 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.
- 4.3 An important feature of the service is that it must be operated in an autonomous and independent manner as possible in support of the independent adjudicators. Whilst there is no proposal to change the delegations to the chief adjudicator, there may be scope for delegation of some of the lead officer functions to the NPAS service director who has no management responsibilities other than those related to the NPASJC.
- 4.4 It is therefore being recommended that a revised scheme of delegation to officers could provide for a more autonomous management arrangement



in line with the independent nature of the service and that officers provide a report to a future meeting of the Joint Committee on this topic.

## **5.0 Bus Lane Adjudications**

- 5.1 At the meeting of the Joint Committee held on 18<sup>th</sup> September 2002 a report was submitted detailing that adjudication provision would be needed once the government have made regulations under the Transport Act 2000 for decriminalised bus lane enforcement. The Act together with the regulations would enable decriminalised parking enforcement authorities in England (outside London) to become bus lane enforcement authorities.
- 5.2 It is understood that the government are now proposing to make the necessary regulations during 2004. As the National Assembly for Wales are not at present intending to make similar regulations, then it would be necessary to create another joint committee arrangement for bus lane adjudications in England.
- 5.3 The intention would be to make arrangements such that bus lane enforcement appeals would be received and processed in a similar manner to those for parking, and that the parking adjudicators would be appointed as bus lane adjudicators so that they would be able to consider both types of appeal during the same sitting.
- 5.4 Until the regulations have been made it is not possible to provide full details of the steps needed. It is however being recommended that Manchester City Council is invited to establish at the appropriate time in conjunction with other councils an arrangement for bus lane enforcement adjudications such that the operation could act in as seamless manner as possible with the parking adjudications. Once a suitable agreement is in place the bus lane joint committee would then need to meet so that the necessary appointments and management arrangements may be established.

## **6.0 Traffic Management Bill**

- 6.1 The Traffic Management Bill currently being considered by parliament is expected to receive royal assent by the autumn of 2004. As part of the proposed civil enforcement of driving and parking offences contained within the Bill, it will enable the consolidation of civil traffic enforcement legislation covering parking, bus lanes and some moving traffic offences and extend the scope for local authorities to take over traffic enforcement from the police.

- 6.2 A key feature will be the establishment of civil enforcement areas and the provision of adjudication arrangements. It is understood that the adjudication arrangements will be drafted in such a manner that a civil enforcement areas adjudication joint committee arrangement could be established. At this point the need for separate joint committees for parking and bus lane adjudications would be superseded by a single arrangement.
- 6.3 For such an arrangement to be established it would be necessary for regulations to be made derived from powers within the Act. It is anticipated that the regulations would be made during 2005 or later.

### **7.0 Tribunals for Users programme**

- 7.1 Reports have been previously submitted to the Joint Committee detailing the outcome of the Leggatt Report 'Tribunals for Users'. After much delay it is understood that the Department of Constitutional Affairs (DCA) is now proceeding with plans to form a new Tribunals Service. This programme would bring all the central government tribunals within the new Tribunals Service and located in the DCA.
- 7.2 It is likely that the Tribunals Service would come into operation during 2005/6 with the DCA tribunals and a limited number of other central government department tribunals included in this first wave. Further central government tribunals would then transfer in succeeding years until 2008/9. For the present the local government tribunals are not included in the short to medium time scale of the programme for transfer.
- 7.3 As NPAS is not to be included in the programme before 2009 no further action is needed within this review.

## **APPENDIX 1**

### **FUNCTIONS OF NPASJC**

The functions of the NPASJC shall be:-

- (a) to appoint (re-appoint and dismiss) subject to the Lord Chancellor's consent Parking Adjudicators for the purpose of the Road Traffic Act 1991;
- (b) to provide or secure the provision of accommodation and administrative staff for the Parking Adjudicators;
- (c) to determine after consultation with the relevant Parking Authority where the Parking Adjudicators are to sit;
- (d) to commission and receive an annual report upon the Parking Adjudication Service from the Parking Adjudicators;
- (e) to make an annual report to the Secretary of State and/or the National Assembly for Wales as appropriate on the discharge of the functions of the Parking Adjudicators and to publish the same;
- (f) to establish and approve annual budgets and receive annual accounts and regular monitoring reports on associated expenditure.
- (g) such other associated functions as the Parking Authorities may lawfully arrange for the NPASJC to perform as they from time to time consider appropriate.

## **APPENDIX 2**

### **Aims and Objectives of NPAS**

*To provide appellants and respondents to parking appeals with an independent, impartial and well-considered decision based on fact and law.*

*To appoint adjudicators with the appropriate knowledge, skills and integrity to make those decisions.*

*To provide a tribunal service which is user-focussed, efficient, timely, helpful and readily accessible.*

*To ensure that all persons who use, work for, or with, NPAS are treated equally and fairly regardless of race, gender, religious belief or sexual orientation.*

*To provide adjudicators with the necessary training and resources to enable them to make decisions that are concise, clear, well founded in law and relevant.*

*To deliver that service with regard to best value.*

*To enhance the quality and integrity of the Road Traffic Act 1991 decriminalised parking enforcement scheme.*

*To create and maintain an adaptable and responsive tribunal system.*

## **APPENDIX 3**

### **NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE (NPASJC) SCHEME OF DELEGATION TO OFFICERS OF THE LEAD AUTHORITY AND CHIEF PARKING 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 accommodation and administrative support for the Parking Adjudicators in accordance with 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 NPASJC'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 NPASJC'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 NPASJC's Treasurer
- V. Subject to the agreement of the NPASJC'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 NPASJC'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 NPASJC'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 NPASJC and the legal recovery of debts due to the NPASJC.
  - XI. To give indemnities on behalf of the NPASJC 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.
  - a) The approval and completion of property transactions on behalf of the NPASJC including the acquisition and disposal of freeholds, the taking and granting of leases, easements, wayleaves, rent reviews, and all other estate management issues

V. VAT

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

VI. Vandalism

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

**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 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 NPASJC relating to the functions of the NPASJC.
- 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 NPASJC.
- 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 the 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 NPASJC, 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 NPASJC where such payments fall outside the NPASJC'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 NPASJC.
- 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 NPASJC including the provision of such administrative support activities required by the Parking Adjudicators and for the efficient discharge of the parking adjudication service.
- II. Arrange for the giving of advice and support to the NPASJC in legal matters.
- III. Convening meetings of NPASJC and the Officer Advisory Board and keep the attendance record of such meetings.
- IV. Deal with urgent business of NPASJC, after consulting the Chairman and/or Deputy Chairman.
- V. Record declarations and matters of interest of NPASJC Members, Officers and Parking Adjudicators.
- VI. Holding and providing access to NPASJC documents and information in accordance with the provisions of law.

## **7. Extension of Chief Parking 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 Parking Adjudicator, by appointment to her to act as Chief Parking Adjudicator within the areas of any Council which becomes party to these Joint Committee arrangements.

**Delegation to Chief Parking Adjudicator:-**

- I. With the consent of the Lord Chancellor the making of the Part-time Parking 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 in future become party to the Joint Committee arrangements, as appropriate.
- II. The Chief Parking Adjudicator is to keep the NPASJC informed of such appointments.
- III. The determination of where Parking Adjudicators shall sit.
- IV. The allocation of appeal cases to the Parking Adjudicators.
- V. Promotion of the judicial functions of the NPASJC.

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE  
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**RECOMMENDATIONS**

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## **INTRODUCTION**

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- 2.6 The Agreement that regulates the setting up of the Joint Committee provides for one elected Member for each constituent Council. If the nominated Member cannot attend the meeting, provision is made for a named substitute to attend in his/her place. The Joint Committee is scheduled to meet at least twice a year although it has recently established an Executive Sub-Committee that means under normal circumstances it now need only meet annually. Meetings have been held in both Manchester and more recently in Birmingham.
- 2.7 The role in effect for Members of the Joint Committee is to oversee the functions of NPAS as an Independent Tribunal. There is not a role as such in respect of the parking enforcement activities of the Local Authority they represent on the Joint Committee.
- 2.8 The Joint Committee has delegated decision making in relation to the majority of day to day matters to a "Lead Officer" (initially the Lead Officer is the Chief Executive of Manchester) or to the Chief Parking Adjudicator, depending on the subject matter. For the most part the NPAS Service Director acts on behalf of the "Lead Officer" on appropriate day to day matters.

- 2.9 Except in the case of urgent business the Lead Officer, in exercising the functions delegated to him is required to consult with an officer working party (the Advisory Board) comprising officers currently nominated by the Councils of Bournemouth, Hampshire, Winchester, Neath Port Talbot, and Manchester. Representatives of the Department for Transport and National Assembly for Wales have been appointed members of the Advisory Board. There are also two other representatives, a lay member who is a member of the Lord Chancellor's judiciary appointments panel, and a representative from the motoring organisations, currently from the RAC Foundation.
- 2.10 Because the Joint Committee has no corporate status and cannot therefore contract, one of the constituent Councils has been appointed Lead Authority to enable goods and services to be provided on behalf of the Joint Committee. Manchester has been appointed the Lead Authority.
- 2.11 Whilst the Agreement provides for the terms on which the Joint Committee is to operate, including making provision for the joining of new members and for the appointment of a Lead Authority, it does not set out in detail the amount of contributions required from member councils. These contributions were decided by the Joint Committee at its first meeting and were set at a level which should not be prohibitive to any council wishing to join the Joint Committee. These charges are reviewed annually usually at the January meeting.
- 2.12 These over arching arrangements have largely work satisfactorily during the first five years of operation and therefore no amendment to it are being recommended as part of this review.

### **3.0 Service Level Agreement with the Lead Authority**

- 3.1 Because the NPASJC is not a public body in its own right, the service of necessity has to interact with the lead authority in the provision of goods and services. The goods and services include employment and other contractual types of service, accountancy and financial management, ICT, risk management, committee services, and associated legal services.
- 3.2 Most items are accounted for under a separate accountancy coding arrangement. However there are a number of items where NPAS interfaces with the Lead Authority and where it would be counter productive to separate out the costs individually. These items include, legal matters such as the NPASJC agreements (e.g. new councils joining) and general legal advice, committee services re clerking the NPASJC meetings, minutes, agendas, etc., accounts re invoices, cost collection, order payments, financial advice, general financial support, central and departmental IT support, land & property re headquarters leasing

arrangements and related advice generally, personnel services, payroll, personnel advice, general HR support, structures and reviews, etc.

- 3.3 An item, 'service management & support', of £43,000 based on a best estimate has been included in the budget for this purpose. Sufficient experience has now been gained for a service level agreement to be developed to cover this item. The Service Level Agreement (SLA) would provide greater clarity to the items and scale of the services to be provided and the time scale that they would be needed.
- 3.4 It is therefore being recommended that an improved service could be obtained by developing a service level agreement with the lead authority and that the officers are requested to develop a proposed SLA for approval at a future meeting of the joint committee.

#### **4.0 Scheme of delegated functions**

- 4.1 At the meeting held on 19<sup>th</sup> November 2001 the Joint Committee adopted a scheme of delegated functions (see Appendix 3).

- 4.2 At the meeting the committee agreed 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 Parking Adjudicator is adopted.

[3] With the exception of Item 6(IV) of the Scheme, 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.

- 4.3 An important feature of the service is that it must be operated in an autonomous and independent manner as possible in support of the independent adjudicators. Whilst there is no proposal to change the delegations to the chief adjudicator, there may be scope for delegation of some of the lead officer functions to the NPAS service director who has no management responsibilities other than those related to the NPASJC.
- 4.4 It is therefore being recommended that a revised scheme of delegation to officers could provide for a more autonomous management arrangement



in line with the independent nature of the service and that officers provide a report to a future meeting of the Joint Committee on this topic.

## **5.0 Bus Lane Adjudications**

- 5.1 At the meeting of the Joint Committee held on 18<sup>th</sup> September 2002 a report was submitted detailing that adjudication provision would be needed once the government have made regulations under the Transport Act 2000 for decriminalised bus lane enforcement. The Act together with the regulations would enable decriminalised parking enforcement authorities in England (outside London) to become bus lane enforcement authorities.
- 5.2 It is understood that the government are now proposing to make the necessary regulations during 2004. As the National Assembly for Wales are not at present intending to make similar regulations, then it would be necessary to create another joint committee arrangement for bus lane adjudications in England.
- 5.3 The intention would be to make arrangements such that bus lane enforcement appeals would be received and processed in a similar manner to those for parking, and that the parking adjudicators would be appointed as bus lane adjudicators so that they would be able to consider both types of appeal during the same sitting.
- 5.4 Until the regulations have been made it is not possible to provide full details of the steps needed. It is however being recommended that Manchester City Council is invited to establish at the appropriate time in conjunction with other councils an arrangement for bus lane enforcement adjudications such that the operation could act in as seamless manner as possible with the parking adjudications. Once a suitable agreement is in place the bus lane joint committee would then need to meet so that the necessary appointments and management arrangements may be established.

## **6.0 Traffic Management Bill**

- 6.1 The Traffic Management Bill currently being considered by parliament is expected to receive royal assent by the autumn of 2004. As part of the proposed civil enforcement of driving and parking offences contained within the Bill, it will enable the consolidation of civil traffic enforcement legislation covering parking, bus lanes and some moving traffic offences and extend the scope for local authorities to take over traffic enforcement from the police.

- 6.2 A key feature will be the establishment of civil enforcement areas and the provision of adjudication arrangements. It is understood that the adjudication arrangements will be drafted in such a manner that a civil enforcement areas adjudication joint committee arrangement could be established. At this point the need for separate joint committees for parking and bus lane adjudications would be superseded by a single arrangement.
- 6.3 For such an arrangement to be established it would be necessary for regulations to be made derived from powers within the Act. It is anticipated that the regulations would be made during 2005 or later.

## **7.0 Tribunals for Users programme**

- 7.1 Reports have been previously submitted to the Joint Committee detailing the outcome of the Leggatt Report 'Tribunals for Users'. After much delay it is understood that the Department of Constitutional Affairs (DCA) is now proceeding with plans to form a new Tribunals Service. This programme would bring all the central government tribunals within the new Tribunals Service and located in the DCA.
- 7.2 It is likely that the Tribunals Service would come into operation during 2005/6 with the DCA tribunals and a limited number of other central government department tribunals included in this first wave. Further central government tribunals would then transfer in succeeding years until 2008/9. For the present the local government tribunals are not included in the short to medium time scale of the programme for transfer.
- 7.3 As NPAS is not to be included in the programme before 2009 no further action is needed within this review.

## **APPENDIX 1**

### **FUNCTIONS OF NPASJC**

The functions of the NPASJC shall be:-

- (a) to appoint (re-appoint and dismiss) subject to the Lord Chancellor's consent Parking Adjudicators for the purpose of the Road Traffic Act 1991;
- (b) to provide or secure the provision of accommodation and administrative staff for the Parking Adjudicators;
- (c) to determine after consultation with the relevant Parking Authority where the Parking Adjudicators are to sit;
- (d) to commission and receive an annual report upon the Parking Adjudication Service from the Parking Adjudicators;
- (e) to make an annual report to the Secretary of State and/or the National Assembly for Wales as appropriate on the discharge of the functions of the Parking Adjudicators and to publish the same;
- (f) to establish and approve annual budgets and receive annual accounts and regular monitoring reports on associated expenditure.
- (g) such other associated functions as the Parking Authorities may lawfully arrange for the NPASJC to perform as they from time to time consider appropriate.

## **APPENDIX 2**

### **Aims and Objectives of NPAS**

*To provide appellants and respondents to parking appeals with an independent, impartial and well-considered decision based on fact and law.*

*To appoint adjudicators with the appropriate knowledge, skills and integrity to make those decisions.*

*To provide a tribunal service which is user-focussed, efficient, timely, helpful and readily accessible.*

*To ensure that all persons who use, work for, or with, NPAS are treated equally and fairly regardless of race, gender, religious belief or sexual orientation.*

*To provide adjudicators with the necessary training and resources to enable them to make decisions that are concise, clear, well founded in law and relevant.*

*To deliver that service with regard to best value.*

*To enhance the quality and integrity of the Road Traffic Act 1991 decriminalised parking enforcement scheme.*

*To create and maintain an adaptable and responsive tribunal system.*

## **APPENDIX 3**

### **NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE (NPASJC) SCHEME OF DELEGATION TO OFFICERS OF THE LEAD AUTHORITY AND CHIEF PARKING 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 accommodation and administrative support for the Parking Adjudicators in accordance with 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 NPASJC'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 NPASJC'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 NPASJC's Treasurer
- V. Subject to the agreement of the NPASJC'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 NPASJC'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 NPASJC'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 NPASJC and the legal recovery of debts due to the NPASJC.
- XI. To give indemnities on behalf of the NPASJC 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.
  - a) The approval and completion of property transactions on behalf of the NPASJC including the acquisition and disposal of freeholds, the taking and granting of leases, easements, wayleaves, rent reviews, and all other estate management issues

V. VAT

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

VI. Vandalism

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

**4. Miscellaneous**

- I. To determine officer attendance on visits.
- II. To determine officer and Member attendance at Conferences/Seminars, etc (unless hold abroad).
- III. To determine Member attendance on visits in consultation with the 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 NPASJC relating to the functions of the NPASJC.
- 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 NPASJC.
- 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 the 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 NPASJC, 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 NPASJC where such payments fall outside the NPASJC'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 NPASJC.
- 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 NPASJC including the provision of such administrative support activities required by the Parking Adjudicators and for the efficient discharge of the parking adjudication service.
- II. Arrange for the giving of advice and support to the NPASJC in legal matters.
- III. Convening meetings of NPASJC and the Officer Advisory Board and keep the attendance record of such meetings.
- IV. Deal with urgent business of NPASJC, after consulting the Chairman and/or Deputy Chairman.
- V. Record declarations and matters of interest of NPASJC Members, Officers and Parking Adjudicators.
- VI. Holding and providing access to NPASJC documents and information in accordance with the provisions of law.

## **7. Extension of Chief Parking 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 Parking Adjudicator, by appointment to her to act as Chief Parking Adjudicator within the areas of any Council which becomes party to these Joint Committee arrangements.

**Delegation to Chief Parking Adjudicator:-**

- I. With the consent of the Lord Chancellor the making of the Part-time Parking 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 in future become party to the Joint Committee arrangements, as appropriate.
- II. The Chief Parking Adjudicator is to keep the NPASJC informed of such appointments.
- III. The determination of where Parking Adjudicators shall sit.
- IV. The allocation of appeal cases to the Parking Adjudicators.
- V. Promotion of the judicial functions of the NPASJC.

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE  
FIVE YEAR REVIEW SUB-COMMITTEE**

**REPORT FOR RESOLUTION**

**DATE:** 26<sup>th</sup> March 2004  
**AGENDA ITEM** Number 7  
**SUBJECT:** The next five years – forward plan  
**REPORT OF:** The Lead Officer  
On behalf of the Advisory Board

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**PURPOSE OF REPORT**

To provide information regarding the future requirements likely to be placed on the Joint Committee's service arrangements.

**RECOMMENDATIONS**

It is recommended that the Sub Committee notes the demands likely to be placed on the National Parking Adjudication Service's (NPAS) service arrangements and the projects under development during the next five years, as detailed in the report.

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

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

There are no immediate consequences on the capital or revenues budgets.

**CONTACT OFFICER**

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**BACKGROUND DOCUMENTS**

No documents

## INTRODUCTION

1.0 This report reviews the adjudication service arrangements needed to cater for the take up of decriminalised parking enforcement and other forms of future decriminalised traffic enforcement by councils that are likely to fall within the remit of the National Parking Adjudication Service Joint Committee (NPASJC) and suggests a five year growth plan for the service.

## 2.0 BACKGROUND

### The growth of the service

#### 2.1 The first five years

Since the service was established in 1999 there has been a rapid and sustained growth in the number of councils adopting decriminalised parking enforcement (DPE) and hence the number of appeals that have been processed by the support staff and decided by the adjudicators. Details are provided in Table 1 below.

**Table 1.**

Year	Number of Appeals	Number of SPAs	Number of PCNs
1999-2000	649	11	345,736
2000-2001	2190	30	794,851
2001-2002	4517	49	1,436,530
2002-2003	8517	68	2,130,781
2003-2004	10,000*	88	2,650,000*

\* *Estimated*

2.2 Because in the counties both the county council and the district council are parking authorities, then each council usually becomes a party to the NPASJC agreement. In February 2004 the total number of councils that are a party to the agreement had reached 100.

#### 3.0 The next five years

3.1 It is more difficult to predict than to look back in history. However, during year 2004/5 it is expected that there will be at least another 30 Special Parking Areas (SPAs) with their respective councils joining the scheme, this number could be as high as 60 if all those councils currently on the Department for Transport (DfT) list actually achieve DPE in the period. In 2005/6 a further 17 councils have already declared their intension to join the scheme. For 2004/5 the number of Penalty Charge Notices (PCNs) would rise to 2,850,000 during the year if there are 30 additional SPAs,

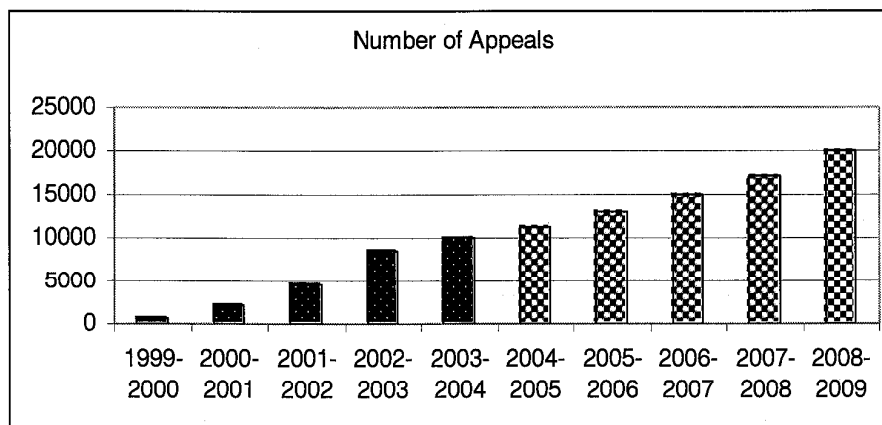
with the number of appeals predicted to be about 11,400 in the year. Beyond this point no definite information is available from the councils concerned. However, Table 2 below provides an indication (only) of the predicted statistics. The number of appeals is based on the current rate of appeal of 0.4% of the PCNs. If the rate of appeal were to grow to the rate experienced in London, then the number of appeals could easily double. No account of bus lane enforcement appeals or other types of appeal have been included in the figures.

**Table 2**

Year	Predicted Number of Appeals*	Predicted Number of SPAs	Predicted Number of PCNs
2004-2005	11,400	110	2,850,000
2005-2006	13,000	150	3,250,000
2006-2007	15,000	180	3,750,000
2007-2008	17,000	210	4,250,000
2008-2009	20,000	250	5,000,000

\* Calculated at 0.4% of PCNs

**Past and predicted growth in the number of appeals**



- 3.2 Eventually, it could be expected that all the council areas in England and Wales would become special and permitted parking areas (SPAs/PPAs). The service needs to incrementally plan with a flexible approach for this eventuality. The Traffic Management Bill contains reserve powers for the first time that would enable the Secretary of State to require councils to adopt DPE if they have not already done so.
- 3.3 This growth will require regular, extensive revision of existing structures and working practices to enable the organisation to improve and maintain

levels of service and in particular to capitalise on new opportunities for service delivery through developments in areas such as information technology.

#### **4.0 Delivery of the service focussed on the users**

4.1 In his 1992 report to the Lord Chancellor, "Tribunals for Users", Sir Andrew Leggatt made a number of observations about all the Tribunals he visited and reviewed, and made specific recommendations in respect of the National Parking Adjudication Service. (NPAS had only existed for a few months at the time of Sir Andrew's visit). To quote from the report;

- i) "There is scope for better publicity for the scheme and the appeal process".
- ii) "Tribunals have an important role in identifying possible systemic problems in [council] decision making and administrative practice".

Even before this report was issued, NPAS had identified and promulgated its key Aims and Objectives as a tribunal, which include;

- i) "To provide a tribunal service which is user-focussed, efficient, timely, helpful and readily accessible".
- ii) "To enhance the quality and integrity of the Road Traffic Act 1991 decriminalised parking enforcement scheme".

4.2 Most aspects of these Aims and Objectives will continue to be met by NPAS discharging its core function of deciding appeals in an efficient and effective manner. However, the second of Sir Andrew Leggatt's observations, linked to the second of the NPAS Aims and Objectives identified above points to another clear area of growth over the next five years.

4.3 Tribunals in general enjoy a recognised role in identifying, analysing and suggesting remedies for systemic problems among the sponsoring department (in the case of NPAS, the councils). In respect of NPAS the importance of this role was accentuated by Sir Andrew Leggatt as can be seen above. Although NPAS is not a regulatory body or ombudsman, the absence of such a body in the context of DPE could be seen as strengthening this need yet further.

4.4 The NPAS Annual Report, the council and user conferences and of course the judicial decisions themselves are examples of this in action. However, there are other ways through which NPAS can work towards these desired outcomes without in any way compromising the integrity or impartiality of

the tribunal. These include meeting councils at around the time they commence DPE to ensure they understand and are likely to follow the correct procedures. Another aspect is NPAS representation at related conferences and seminars and certainly the number of invitations received requesting an NPAS speaker at such events is growing. There is little firm evidence, but much anecdotal evidence that such meetings and events are proving successful in terms of raising performance standards and thus enhancing the quality and integrity of DPE as a whole.

## **5.0 The present service.**

### **5.1 Key features of the adjudication service at present are:-**

The appellant can already

- Elect to have their appeal dealt with in writing
- Choose to have their appeal heard in person at any one of 50 locations
- At some hearing venues week day early evening or Saturday mornings are available
- Communicate with the service through writing, fax or Email
- Expect the service to be delivered in line with the declared service charter

### **5.2 At the macro level the service already provides a number of features for its users including:-**

- Appellant's user group
- Councils user group/annual conference
- Service charter
- Information web site
- Information leaflets

## **6.0 Areas of the service currently under development**

### **6.1 A number of projects are currently under way that will enhance service delivery, these include:-**

- A bespoke 'AIMS' case management and information system
- Lodging Appeals on-line
- Electronic transfer of council evidence
- Electronic library of traffic regulation orders
- User survey

### **6.2 A considerable proportion of the organisation's time and resources is likely to be devoted to implementing the AIMS project. For example, Appeals Coordinators and their assistants will need to be involved fully in the system's development and trained and supported in its use, as will all Parking Adjudicators. An extensive management reporting regime, based**

on this new system, will have to be developed and maintained to assist in the management of the Increasing workload of the tribunal.

- 6.3 An NPAS-commissioned User Survey will be undertaken by the University of Birmingham's Institute of Local Government Studies (INLOGOV) during 2004 and their preliminary report will be issued during late October 2004. It is likely that this will identify a range of opportunities for service improvement and thus it is likely to shape the future development of the service throughout much of the next five years. This survey and the development work it is likely to stimulate are fully in line with the recommendations of Sir Andrew Leggatt in his report "Tribunals for Users", issued in 2002.

## **7.0 Areas of service development planned for the future**

- 7.1 Projects already planned for delivery in the next two years include:-

- 'Live' tables of appeal outcomes on the web site
- Track your case via the web
- Re-design of web site to ensure 'Bobby' compliance
- Video conferencing of personal appeals (pilot study during 2004/5)

- 7.2 As NPAS grows and develops, so there will be an increasing need to systematise management practices and introduce appropriate reporting and monitoring measures to ensure the quality of service offered to users. To assist in this process and as a tangible sign of progress to achieving service excellence it is proposed to begin work in 2004 towards securing 'Chartermark' accreditation, probably during 2006.

- 7.3 As NPAS has grown in the first five years of its existence, so personal hearing centres have been accumulated on a relatively uncoordinated basis due to the ad-hoc geographic spread of DPE adoption by councils. The hearing centres now number fifty across England and Wales. A fundamental review of the number and type of hearing centres is planned for 2004. The likely outcome of this review is that through a judicious process of consolidation the number of hearing venues will be reduced, engendering further economy and efficiency, without in any way compromising levels of service. It is anticipated that similar reviews will be required during the next five years

- 7.4 The practical implications of legislation such as the Disability Discrimination Act 1995 (DDA) and the tribunal's responsibility for the health and safety of its staff and service users will have to be borne in



mind when considering changes in this and many other areas of the tribunal's work. As a tangible example of this, during the period in question Institute of Safety & Health (IOSH) accredited Hearing Centre Supervisors will visit each personal hearing centre and undertake health and safety risk assessments and disability access checks on a regular basis.

## **8.0 Additional adjudications responsibilities**

- 8.1 The provisions of the Traffic Management Bill are likely to be enacted during the period in question. The Act will increase the scope of the tribunal by decriminalising a range of moving traffic offences and will extend the remit of the Parking Adjudicators accordingly.
- 8.2 As a precursor of what is to come in the Traffic Management Bill, powers to undertake decriminalised bus lane enforcement are likely to be extended to councils already operating DPE outside London during 2004, in advance of the further expansion of decriminalisation envisaged by the Traffic Management Bill. This will have constitutional ramifications which, although addressed at greater length elsewhere on the agenda, are also likely to have wider implications for the service.
- 8.3 The adoption of adjudication for moving traffic contraventions will alter radically the working relationship between NPAS and SPA/PPA councils. Evidence requirements will differ and the means of conveying this evidence between parties, in particular video clips, will need to be examined in great depth. Much work will need to be done to develop and implement the associated procedures.

## **9.0 Summary**

- 9.1 Sir Andrew Leggatt's report was titled '*Tribunals for Users*' and this user-focused approach is one that NPAS welcomes and seeks to incorporate within everything it does as a tribunal. Although the next five years will be a period of substantial growth and development in all the areas identified above, (and doubtless many others), the tribunal's primary focus and effort should continue to be directed towards ensuring that the quality of service offered to all users, or potential users, of the tribunal remains at the highest possible level at all times.
- 9.2 It is recommended that the Sub Committee notes the demands likely to be placed on the NPAS service arrangements and the projects under development during the next five years, as detailed in the report.