

**NATIONAL PARKING
ADJUDICATION SERVICE
JOINT COMMITTEE**

Susan Orrell
Secretary
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Agenda

Meeting of the Executive Sub Committee

to be held at 11.45am, on Tuesday 31st January 2006.
at Warwickshire County Cricket Club, The County Ground, Edgbaston,
Birmingham, B5 7QU.

1. **Appointment 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 2006)
2. **Urgent business**
To consider any items which the Chair has agreed to have submitted as urgent.
3. **Access to Information appeals**
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 personal and prejudicial 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) To approve as a correct record the Minutes of the Executive Subcommittee meeting held on 24th January 2005 [Enclosed - Page 3]
 - (b) To note the Minutes of the meeting NPASJC held on 30th June 2005. [Enclosed – Page7]
6. **New NPASJC Member Councils**

To note that a number of existing SPA / PPA authorities in England [outside London] and Wales have joined NPASJC.
To extend the appointment of the Chief Parking Adjudicator to cover the areas of these Councils. [Report enclosed – Page 13]
7. **Budget monitoring of revenue and capital expenditure**

To provide budget monitoring information for 2005/6
[Report enclosed – Page 17]
8. **General progress and service standards**

To provide information in respect of the take up of decriminalised parking enforcement powers by Councils in England [outside London] and Wales.
To provide monitoring information regarding service standards.
[Report enclosed – Page 21]
9. **Capital and Revenue Budgets for 2006/2007**

To establish the Joint Committee's Capital and Revenue Budgets for 2006/7. [Report enclosed – Page 27]
10. **Service Charges 2006/7**

To establish the NPASJC Service Charges to user councils for 2006/7.
[Report enclosed – Page32]
11. **Adjudication for bus lane civil enforcement**

To provide information regarding civil enforcement of bus lanes in England (outside London). [Report enclosed – Page 38]

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**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
EXECUTIVE SUB-COMMITTEE
MINUTES OF THE MEETING HELD AT THE WARWICKSHIRE COUNTY
CRICKET CLUB, EDGBASTON, BIRMINGHAM, ON 24TH JANUARY, 2005.**

PRESENT: Councillor Rev. Robert Barker - South Lakeland District Council
Councillor Tony Burns - Manchester City Council
Councillor Roland Dibbs - Rushmoor Borough Council
Councillor Phrynne Dickens - Hampshire County Council
Councillor Ken Gregory - Thanet District Council
Councillor Sir Elgar Jenkins - Bath and North East Somerset Council
Councillor Joseph Lawson - Sunderland City Council
Councillor Roy Pennington - Brighton and Hove Council
Councillor Elwyn Williams - Carmarthenshire County Council

Also in attendance:

Messrs Bayless, Pulham, Sage, Spicer and Tinsley and Christine Crisp and Caroline Sheppard.

NPAS/EX/05/01 Appointment of Chair and Vice Chair

Decision

1. To appoint Councillor Gregory (Thanet) as Chair and Councillor Mrs Dickens as Vice Chair until the Annual meeting of the Joint Committee in 2005.
2. To appoint Councillor Burns (Manchester) as Assistant Chair.

NPAS/EX/05/02 Andrew Pulham

The Committee was informed that Andrew Pulham was attending his last meeting prior to leaving the service to take up a new appointment with East Hertfordshire District Council.

Members thanked Andrew for the work undertaken by him on behalf on the Joint Committee and offered their good wishes for the future.

NPAS/EX/05/03 Executive Sub-Committee Minutes

Decision

To approve as a correct record the Minutes of the meeting held on 27 January, 2004.

NPAS/EX/05/04 NPASJC Minutes

The Minutes of the National Parking Adjudication Service Joint Committee held on 16 July, 2004 were submitted for information.

Decision

To note the Minutes

NPAS/EX/05/05 New Member Councils

A report of the Lead Officer was submitted seeking approval to extend the Chief Parking Adjudicator's appointment to cover the areas of a number of Councils who have become party to the NPASJC Agreement.

Decision

1. To note that since the 16 July, 2004, the following Councils have become a party to the NPASJC Agreement: Rochdale Metropolitan Borough Council, Lancashire County Council, Lancaster City Council, Wyre Borough Council, Ribble Valley Borough Council, Pendle Borough Council, Fylde Borough Council, Preston City Council, Burnley Borough Council, Hyndburn Borough Council, South Ribble Borough Council, Rossendale Borough Council, Chorley Borough Council, West Lancashire District Council, Lewes District Council, St. Albans City and District Council, Eastleigh Borough Council, Tendering District Council, Castle Point Borough Council, Rochford District Council, Braintree District Council, Uttlesford District Council, Blackburn with Darwen Borough Council, Stratford on Avon District Council, Warwickshire County Council, Wychavon District Council, Cambridgeshire County Council, Cambridge City Council, Runnymede Borough Council, East Hertfordshire District Council and North Hertfordshire District Council.

2. To confirm the appointment of the Chief Parking Adjudicator and other part-time Adjudicators (coterminous to their appointments) to cover the areas of the Councils referred to above with effect from their various commencement dates appropriate to each authority area.

NPAS/EX/05/06 Service Development Programme

A report of the Lead Officer was submitted outlining service developments at NPAS in the context of a report to the Five Year Review Sub-Committee, and suggesting how the findings of the University of Birmingham User Survey may be used to shape developments over the next five years.

Members commented on the amount and type of information being considered for publication on the www.parking-appeals.gov.uk web site and agreed that there was a need to exercise caution in this regard. Whilst it was necessary to publish information, the focus should be on a user friendly basis.

Decision

1. To note the initial findings of the University of Birmingham user survey.
2. To endorse the service development proposals contained within the report.
3. To request the Lead Officer to submit an interim report to the meeting of the Joint Committee in June on the information to be made available on the web.

**NPAS/EX/05/07 Monitoring of Revenue and Capital Accounts for
2004/2005**

A report was submitted presenting expenditure monitoring information in respect of the Revenue and Capital Accounts for 2004/2005.

Decision

1. To note the expenditure monitoring information contained within the report.
2. To authorise the Lead Officer in consultation with the Chair, Vice chair or Assistant Chair to incur expenditure against the revenue budget in excess of the £1,987,880 set by the Committee should the need arise, provided such expenditure is within the total income for the year.
3. To agree that should there be a surplus of income in the 2004/05 revenue account this be carried forward to 2005/06.

NPAS/EX/05/08 General progress and Service Standards

The Lead Officer presented a report on progress in respect of the take up of decriminalised parking enforcement powers by Councils in England (outside London) and Wales; service standard performance against which NPAS is measuring how swift the service is delivered; accommodation at the headquarters.

Decision

1. To note the expected take up of decriminalised parking enforcement powers.
2. To note the performance being attained during 2004 and the agreed service standard indicators.
3. To agree to change the telephone answering target from 80% to 90%, and the Acknowledgement of Appeal target from 80% to 95% with effect from 1st January, 2005.
4. To authorise the Lead Officer to enter into an appropriate lease arrangement for the 5th Floor of Barlow House, the present headquarters building, on behalf of the Joint Committee, should this become available.

NPAS/EX/05/09 Revenue and Capital Budget Estimates 2005/2006

A report was submitted requesting approval of the Revenue and Capital Budget Estimates for 2005/2006.

Decision

5

1. To note that whilst in previous years the bids for capital funding for government have all been met, the bid for £200,000 within the LTP Transport Block Minor Works settlement in 2005/6 has not been accepted.
2. To approve the adoption of a zero capital budget for 2005/06.
3. To request the Lead Officer to keep under the review the need for future capital funding of projects and if so required, to adopt the five year projected capital estimates as detailed in the report and request the Lead Authority to include this within their future LTP funding bids to government.
4. To agree that the development programme proposed for inclusion in the capital budget for 2005/06 be included in the revenue budget but implemented in a phased manor in order to spread the costs over 2005/06 as detailed in the report.
5. To adopt the Revenue Budget estimates for 2005/2006 as detailed in the report.
6. To agree that the development of enhancements to the 'AIMS' case management system continues to be developed by the previously accepted contractor Sopra Group Limited as preferred supplier.

NPAS/EX/05/10 NPASJC Service Charges to user Councils for 2004/2005

A report was submitted on the establishment of charges to be levied from local authorities participating in the Joint Committee's adjudication service during 2005/2006.

Decision

1. To adopt the following charges in support of the service to be made by participating local authorities during the financial year 2003/2004:-

ELEMENT	CHARGE
Annual Charge (per SPA)	nil
Charge per PCN Issued	£0.60
Charges per Adjudication Case	nil

2. To agree that Service Charges are levied on a quarterly in advance basis for the PCN charge based on estimated figures and subsequently adjusted.

NPAS/EX/05/11 Annual Meeting of the Joint Committee

Decision

To note the Annual Meeting this year will be held on 30 June, 2005 at the Motorcycle Museum, Birmingham.

committee/npasjc/exsu

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
MINUTES OF THE MEETING HELD AT THE NATIONAL MOTORCYCLE
MUSEUM, SOLIHULL, BIRMINGHAM, ON 30TH JUNE, 2005.**

PRESENT: Councillor Malcolm Alexander – East Hertfordshire District Council
Councillor Rev. Robert Barker - South Lakeland District Council
Councillor Dennis Brown – Bristol City Council
Councillor Tony Burns – Manchester City Council
Councillor Herbert Chapman – Dacorum Borough Council
Councillor Roland Dibbs - Rushmoor Borough Council
Councillor Phrynnette Dickens – Hampshire County Council
Councillor David Fleet – Herefordshire Council
Councillor David Gillard – Poole Borough Council
Councillor Ken Gregory – Thanet District Council
Councillor Sir Elgar Jenkins - Bath and North East Somersert
Councillor Colin Meredith – Gravesham Borough Council
Councillor Peter Millea – Liverpool City Council
Councillor Roy Pennington – Brighton & Hove Council
Councillor Steve Smith – Leeds City Council
Councillor Jeremy Sutcliffe – Oldham Metropolitan Borough Council
Councillor Ron Wheeler – Welwyn Hatfield District Council

Also in attendance:

Messrs Adecott, OBE, Bayless, Bennett, Boddington, Earnshaw, Griffiths, Harris, Hein, Hurley, Pulham, Satchwell, Spicer and Tinsley, Tombe and Tunstall and Christine Crisp, Trudy Fox, Stacey Ryans and Caroline Sheppard.

By Invitation:

Eileen Dunstan and Professor John Raine – University of Birmingham

NPAS/05/01 Appointment of Chair and Vice Chair

Decision

1. To appoint Councillor Gregory (Thanet) as Chair and Councillor Burns (Manchester) as Vice Chair until the Annual meeting of the Joint Committee in 2005.
2. To appoint Councillor Dickens (Hampshire) as Assistant Chair.

NPAS/04/02 NPASJC Minutes

The Minutes of the National Parking Adjudication Service Joint Committee held on 16 July, 2004 were submitted.

Decision

To approve as a correct record the Minutes of the meeting held on 16 July, 2004 subject to the deletion of James Tombe listed as councillor present and the insertion of Councillor Tony Brown, correction to Councillor Dickens name to read Councillor Phrynnette Dickens and the addition of James Tombe and Pete O'Connor to the list of officers presents.

NPAS/05/03 Executive Sub-Committee Minutes

Decision

To note the Minutes of the meeting held on 24 January, 2005.

NPAS/05/04 Final Accounts, 2004/2005

The final accounts for the years 2004/2005, were submitted.
A letter from the Audit Commission together with the draft Independent Auditors report was tabled.

Decision

1. To approve the 2004/2005 Accounts for the NPASJC as prepared by the Lead Authority.
2. To agree to carry forward the excess of income over expenditure recorded in the 2004/2005 Revenue Account to the 2005/2006 Revenue Account.
3. To delegate authority to the Lead Officer in consultation with the Treasurer, Chair and Deputy of the Committee the adoption of a system of Internal Control in accordance with the Accounts and Audit Regulations.
4. To note the draft District Auditor's report in relation to the year 2004/2005 and the letter from the Audit Commission and agree to publish the Certificate of Audit with the accounts when it is available.

NPAS/05/05 New Member Councils

A report of the Lead Officer was submitted seeking approval to extend the Chief Parking Adjudicator's appointment to cover the areas of a number of Councils who have become party to the NPASJC Agreement.

Decision

1. To note that since the 24 January, 2005, the following Councils have become a party to the NPASJC Agreement:

8

Leeds City Council, Stockport Metropolitan Borough Council, Sheffield City Council, Havant Borough Council; Coventry City Council, Torbay Borough Council, Epsom and Ewell Borough Council, Spelthorne Borough Council, Broxbourne Borough Council, Stevenage Borough Council and Welwyn Hatfield District Council.

2. To confirm the appointment of the Chief Parking Adjudicator and other part-time Adjudicators (coterminous to their appointments) to cover the areas of the Councils referred to above with effect from their various commencement dates appropriate to each authority area.

NPAS/05/06 General Progress and Service Standards

The Lead Officer presented a report on progress in respect of the take up of decriminalised parking enforcement powers by Councils in England (outside London) and Wales and service standard performance during 2004.

Decision

1. To note the expected take up of decriminalised parking enforcement powers.
2. To note the performance attained during 2004 against the agreed service standard indicators.

NPAS/05/08 Annual Report of the Parking Adjudicators.

The Annual report of the Adjudicators for the calendar year 2004 was submitted.

Decision

1. To note the Annual Report and forward it to the Secretary of State for Transport, and the First Minister of the National Assembly for Wales.
2. To approve the translation of the report into the Welsh language for the purpose of forwarding it to the First Minister.
3. To agree that the report is published and circulated free of charge.

NPAS/05/07 NPAS User Survey

A report of the Chief Adjudicator and Service Director was submitted presenting the key findings of the user survey commissioned from the University of Birmingham, and, setting out proposals for addressing the main recommendations.

Professor John Raine and Eileen Dustan of the University of Birmingham gave a presentation to the Joint Committee.

Decision

1. To note the key findings of the user survey:

NPAS should take steps to widen public awareness about independent adjudication on local authority parking enforcement decisions.

NPAS should take steps to improve understanding among all appellants on the independent judicial status of parking adjudication in order to build confidence and trust in the process

NPAS should take steps to ensure that local authorities develop better understanding of its status as a tribunal.

2. To endorse the initial proposals for addressing the recommendations.

NPAS/05/08 Park-time Parking Adjudicator Appointments

A report was submitted informing the Committee of the re-appointment of part-time Parking Adjudicators.

Decision

To confirm the renewal for five years from 24 May 2005 of the appointment of those part-time Parking Adjudicators who were initially appointed on 25 May 2000 and whose names appear in Group 1 of the Appendix to the report.

NPAS/05/09 - Establishment of Executive Sub-Committee

A report was submitted on the appointment of an Executive Sub-Committee for the forthcoming year.

DECISION/-

1. To approve the establishment of an Executive Sub-Committee to act on behalf of the Joint Committee until the annual meeting in 2006, comprising Councillors Malcolm Alexander (East Hertfordshire D.C.), Bob Barker (South Lakeland D.C.), Tony Burns (Manchester C.C.), Roland Dibbs (Rushmoor B.C.), Phrynne Dickens (Hampshire C. C.), David Gillard (Poole B.C.), Ken Gregory (Thanet D.C.), Sir Elgar Jenkins (Bath and North East Somerset), Peter Mellia (Liverpool C.C.), Roy Pennington (Brighton and Hove), Jeremy

Sutcliffe (Oldham M.B.C.), and a representative from Wales Colin Evans (Carmarthenshire).

2. To agree the terms of reference contained in the body of the report.

NPAS/03/10 Appointments to the Advisory Board

A report was submitted on the appointment of representatives to the Advisory Board and detailing changes to the current composition.

DECISION/-

1. To appoint representatives to serve on the Advisory Board as follows:-

The Lead Officer plus 10 people:-

At least one representing an English Authority -

Bournemouth Unitary Council - John Satchwell

At least one representing a Welsh Authority -

Carmarthenshire County Council – Trevor Sage

At least one representing a District Council -

Winchester City Council - Alan Jowsey

At least one representing a County Council -

Hampshire County Council - Peter Bayless

At least one representing a Unitary or Metropolitan Council -

Manchester City Council - Andrew Vaughan

At least one representing a County Council –

Hertfordshire County Council – Deborah Davies

A representative each from the DfT and NAFW (Ex-Officio) - *Marilyn Waldron (DfT), Mike Burnell (NAFW)*

A representative from a motoring association - *Kevin Delaney (RAC Foundation)*

An independent person with knowledge of judicial or tribunal systems - *Graham Addicott OBE*

2. To record the thanks of the Joint Committee to John Gant for the significant contribution he made in the furtherance of decriminalised parking enforcement generally and to NPASJC in particular.

NPAS/05/11 Exclusion of Public

Decision

To exclude the public from the meeting during consideration of the following item containing confidential information as detailed in Paragraph 1, Schedule 12A, Local Government Act, 1972 – Information relating to individuals.

NPAS/05/12 Review of Management Structure within NPAS (Public excluded Paragraph 1, Information relating to individuals)

A report from the Lead Officer and Head of Personnel, Manchester City Council was submitted setting out proposals to disestablish the post of Service Director, NPAS and to create a new post of Head of Service and requesting the Committee to agree arrangements for the review and implementation of a revised staffing structure.

It was reported that there had been an omission from one of the recommendations and that the Chair of the Advisory Board should be included in recommendations 4 and 5.

In response to comments relating to the title 'Head of Service', Councillor Burns (Manchester) stated that the title was standard in local authorities. Members indicated that they would like the title of the post to be re-considered.

Decision

1. To approve the disestablishment of the current post of Service Director (PO6+15%).
2. To approve the establishment of a new post to replace the Service Director in the salary range of £45,000-£50,000., and that the Lead Authority re-consider the title for the new post.
3. To support the voluntary early retirement of the present Service Director with effect from 31st July, 2006 on terms to be agreed by the Lead Authority.
4. To delegate to the Lead Authority acting in consultation with the Chair, Deputy and Assistant Chair of the Joint Committee and with the Chair of the Advisory Board, the arrangements for the appointment to the new post.
5. To grant delegated authority to the Lead Officer and Head of Personnel in consultation with the Chair, Deputy Chair and Assistant Chair of the Committee and with the Chair of the Advisory Board to conduct and implement a review of the entire NPAS staffing structure.

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
EXECUTIVE SUB COMMITTEE**

REPORT FOR RESOLUTION

DATE: 31st January 2006
AGENDA ITEM Number 6
SUBJECT: New NPASJC Councils
REPORT OF: The Lead Officer,
On behalf of the Advisory Board

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 30th June 2005 the Councils listed in the Appendix have become a party to the NPASJC agreement and,
- [ii] Confirm the appointment of the Chief Parking Adjudicator and other part-time Adjudicators (coterminous to their current appointments) to cover the areas of the authorities detailed in the Appendix with effect from their various commencement dates appropriate to each authority area.

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, Barlow House, Minshull Street, Manchester.
Tel: 0161 242 5252

BACKGROUND DOCUMENTS

Minutes of the NPAS Joint Committee held on 30th June 2005

National Parking Adjudication Service Joint Committee Agreement.

Files containing associated correspondence.

Road Traffic Act 1991.

The following associated Special Parking Area / Permitted Parking Area Designation Order Statutory Instruments:

Doncaster	S.I. 2005 No. 1383
Rotherham	S.I. 2005 No. 1384
Barnsley	S.I. 2005 No. 1385
Hartlepool	S.I. 2005 No. 1438
Woking	S.I. 2005 No. 1645
Chiltern	S.I. 2005 No. 2151
Stockton-on-Tees	S.I. 2005 No. 2155
Ipswich	S.I. 2005 No. 2362
New Forest	S.I. 2005 No. 3295
Elmbridge	S.I. 2005 No. 3407
Horsham	S.I. 2005 No. 3492
Mid Sussex	S.I. 2005 No. 3494
Hertsmere	S.I. 2005 No. 3543

1.0 BACKGROUND

- 1.1 Since the meeting of the Committee on 30th June 2005, the local authorities listed in the Appendix have become a party to the NPASJC Agreement.
- 1.2 Buckinghamshire County Council is already a party to the agreement and therefore does not need to rejoin in respect of the Chiltern area. Hampshire County Council is already a party to the agreement and therefore does not need to rejoin in respect of the New Forrest area. Surrey County Council is already a party to the agreement and therefore does not need to rejoin in respect of the Elmbridge area. Hertfordshire County Council is already a party to the agreement and therefore does not need to rejoin in respect of the Hertsmere area. It is however necessary to extend the appointment of the Chief Parking Adjudicator to cover the on-street areas of the districts in these county councils' areas.
- 1.3 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.
- 1.4 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 is requested to confirm the action of the Lead Officer as detailed in the recommendations of this report.

APPENDIX

List of local authorities that have become a party to the NPASJC Agreement since the meeting of the Committee held on 24th January 2005

Doncaster Metropolitan Borough Council
Rotherham Metropolitan Borough Council
Barnsley Metropolitan Borough Council
Hartlepool Borough Council
Woking Borough Council
Chiltern District Council
Stockton-on-Tees Borough Council
Ipswich Borough Council
Suffolk County Council
New Forest District Council
Elmbridge Borough Council
West Sussex County Council
Horsham District Council
Mid Sussex District Council
Hertsmere Borough Council

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
EXECUTIVE SUB COMMITTEE**

REPORT FOR RESOLUTION

DATE: 31st January 2006
AGENDA ITEM Number 7
SUBJECT: Monitoring of Revenue Account 2005/6
REPORT OF: The Lead Authority

PURPOSE OF REPORT

To present to the Committee expenditure monitoring information in respect of the Revenue Account for year 2005/6.

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 incur expenditure against the revenue budget in excess of the £2,209,439 set by the Committee should the need arise, provided such expenditure is within the total income.
- [iii] Agree that should there be a surplus of income in the 2005/6 revenue account this is to be carried forward to year 2006/7.

FINANCIAL CONSEQUENCES FOR THE REVENUE BUDGET

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

CONTACT OFFICER

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

BACKGROUND DOCUMENTS

Minutes of the NPAS Executive Sub-Committee held on 24th January, 2005
Accounts and Audit Regulations, S.I.2003 No. 533

1.0 INTRODUCTION

- 1.1 At the meeting of the Executive Sub-Committee held on 24th January 2005 the revenue budget estimate was approved for the year 2005/6.
- 1.2 This report provides the Committee with the expenditure position for the first half of the year 2005/6. 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 the NPASJC member authorities. There is no capital budget for the year 2005/6.

2.0 BACKGROUND

- 2.1 The revenue budget estimate was established by the Committee for 2005/2006 on the basis that this would reflect the Councils who are already members of the NPASJC agreement and those wishing to join during the year. As the year has developed there have been some variations to the take up of DPE powers from that expected. These variations necessarily affect both the contributions from member councils and the expenditure in providing the service. Accordingly, the Service Director in consultation with the Advisory Board is managing the revenue finances of the service with a view to balancing expenditure and income. Details are given in the appendix.
- 2.2 The figures indicated are on the matching principle for the income and expenditure for each item at the half year stage. The full year budget estimate was based on the predicted take up of decriminalised parking enforcement during the year and the number of Penalty Charge Notices each council has predicted it will issue. The income reported is based on the actual fees levied from the councils. Not all councils are taking up the powers on the time scale they had previously predicted, some have different commencement dates and some different rates of PCNs issued than forecast. It therefore becomes too complex to assimilate with any degree of accuracy the actual profile during the currency of the year.
- 2.3 Within the accounts there is a surplus of £528,696 carried over from previous years which has not been shown in the appendix, as this would mask the picture for the current year. As previously agreed by the Committee income is derived from a pre-estimate of the number of PCNs each council will issue and invoiced quarterly in advance at the charge rate (£0.60 per PCN) set by the Committee. Corrections are applied in subsequent quarters once the actual number of PCNs issued is actually

known. The prediction of the number of PCNs likely to be issued by the participating councils during the year is currently below that estimated and hence a reduced income for the year is indicated in the Appendix.

- 2.4 The service has a short history to call upon that would inform the profiling of income and expenditure for future years when setting the budget estimates. The monitoring of the revenue account expenditure and income at the half year stage is showing that expenditure will need to be below the approved budget as the income is likely to be below that predicted. The budget is being managed on this basis.
- 2.5 Should it be the case that there is a need for a greater expenditure than that provided for in the approved budget then there is a recommendation to authorise the Service Director to incur additional expenditure, provided such expenditure does not exceed the income for the current year.
- 2.6 Should it be the case that the revenue account falls into deficit then the surplus from previous years is available.
- 2.7 Should there be a greater income than expenditure in the year then there is a recommendation that this be transferred into the succeeding year as reserves.

Revenue Cash Flow

- 2.8 The Accounts and Audit Regulations require a cash flow statement to be prepared. The invoicing quarterly in advance broadly addresses the balancing of cash flow. At the half year stage a net surplus of about £58,000 between income and expenditure on the balance sheet is predicted for the current year. It is therefore expected that cash flow for the year will be positive.

Capital expenditure

- 2.9 There is no capital budget for the current year and with the current level of reserves it is not expected that there will be a requirement for a capital budget estimate for year 2006/7. In the current year, depending on movement in interest rates, previous capital expenditure will result in capital finance charges to the revenue account of £22,600, reducing to £15,233 during 2006/7 after which it will have been fully paid.

APPENDIX

Half Year monitoring of approved revenue budget for 2005/6

	Approved Annual Estimate	Expenditure / Income at Half year point	Projected Out-turn 2005/6
EXPENDITURE	£	£	£
Adjudicators	738,658	282,706	700,000
Employees	690,383	281,798	600,000
Premises	266,729	72,499	220,000
Supplies and Services	188,800	132,953	200,000
Information Technology	247,269	116,579	250,000
Service Management and Support	43,000	0	43,000
Audit Fee	2,000	0	5,792
Capital Finance	22,600	0	22,600
Contingency	10,000	0	0
TOTAL EXPENDITURE	2,209,439	886,535	2,041,392
INCOME			
Annual Contribution	0	0	0
PCN Charge	2,209,439	1,009,339	2,100,000
Case Charge	0	0	0
TOTAL INCOME	2,209,439	1,009,339	2,100,000
NET EXPENDITURE	0	(122,804)	(58,608)

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
EXECUTIVE SUB COMMITTEE**

REPORT FOR RESOLUTION

DATE: 31st January 2006
AGENDA ITEM Number 8
SUBJECT: General Progress and Service Standards
JOINT REPORT OF: The Lead Officer
On behalf of the Advisory Board

PURPOSE OF REPORT

To report to the Committee on progress in respect of: (a) the take up of decriminalised parking enforcement powers by Councils in England [outside London] and Wales; (b) service standard performance during 2005.

RECOMMENDATIONS

It is recommended that the Committee:

- [i] Note the information provided in Appendix 1 to the report in respect to the current and future take up of decriminalised parking enforcement powers.
- [ii] Note the performance attained so far during 2005 against the agreed service standard indicators.

CONTACT OFFICER

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BACKGROUND DOCUMENTS

Report to NPASJC Committee Meeting held on 18th September 2002.
Report to NPASJC Committee Meeting held on 30th September 2003.
Report to NPASJC Committee Meeting held on 16th July 2004
Report to Executive Sub-Committee held on 24th January 2005
Report to NPASJC Committee Meeting held on 30th June 2005

BACKGROUND

1.0 INTRODUCTION

- 1.1 Reports have been submitted to previous meetings of the Joint Committee that provided information in respect of likely take up of decriminalised parking enforcement by local authorities in future years; this report provides the latest picture.
- 1.2 The service standard performance indicators are reported and figures are provided for the first three quarters of year 2005.

2.0 TAKE UP OF DECRIMINALISED PARKING ENFORCEMENT POWERS

- 2.1 The latest information regarding the current and expected take up of the Road Traffic Act 1991 powers is given in Appendix 1.
- 2.2 As predicted there has been a further take up of decriminalised parking enforcement powers by councils since the Joint Committee last met.
- 2.3 At the time of writing there are now 163 councils that are a party to the NPASJC agreement, with some 144 Special & Permitted Parking Areas (SPAs) established in the scheme. It is understood there are a further 34 local authorities who are planning the introduction of DPE during and after 2006.
- 2.4 The Committee is requested to note the information provided in Appendix 1 of the report in respect to the current and future take up of decriminalised parking enforcement powers.

3.0 SERVICE STANDARDS - PERFORMANCE INDICATORS

- 3.1 Two performance indicators are used that measure how swiftly appeals are being processed between the appeal being received and the adjudicators' decision being issued. The two indicators are 80% of postal appeals to be processed within 42 days, and 80% of personal appeals to be processed within 56 days.
- 3.2 The indicators measuring how swiftly the service is being delivered were measured and previously reported on a financial year basis. As agreed by the Committee from 2003 onwards indicators are being measured and reported on a calendar year basis. The indicators available at the time of writing for year 2005 are given in Table 1 below.

TABLE 1

PERIOD	% OF POSTAL APPEALS DECIDED WITHIN 42 DAYS	TARGET	% OF PERSONAL APPEALS DECIDED WITHIN 56 DAYS	TARGET
Year 2000/1	57% (1,477 Appeals)	80%	59% (713 Appeals)	80%
Year 2001/2	80% (3,178 Appeals)	80%	82% (1,339 Appeals)	80%
Year 2002/3	78% (5,726 Appeals)	80%	89% (2,811 Appeals)	80%
Year 2003	77% (6,180 Appeals)	80%	91% (3,033 Appeals)	80%
Year 2004	79% (6,568 Appeals)	80%	88% (3,873 Appeals)	80%
Year 2005, First three quarters	73% (4,486 Appeals)	80%	93% (2,714 Appeals)	80%

- 3.3 It should be noted that data reported in Table1 includes those appeals received and decided during the period but appeals that were not decided, for example because the appellant has requested their personal hearing to be rescheduled, have been excluded from the figures.
- 3.4 The performance indicator for the postal appeals continues to be below the target set by the Committee. The adjudicator regulations provide for a postal appeal to be considered 4 weeks after the appeal has been received by NPAS and acknowledged. This date may be brought forward for an individual appeal provided both parties agree. Therefore to meet this 42 days indicator there is only a narrow window of two weeks before the appeal decision would usually be made and decision issued. As the number of appeals increased it became necessary to send the case files to adjudicators, rather than the postal decisions being largely made by adjudicators local to the headquarters. The core elements of the new *AIMS* case management system has now been

developed and all new cases received from 1st January 2006 are being processed via this system. The adjudicators will be able to remotely and directly access the system, and during late January, February and early March 2006 are being trained in the use of the system in readiness for when cases become mature for decision. It is therefore expected from 2006 and onwards a substantial improvement to this service standard indicator should result.

3.5 At the meeting of 19th November 2001, it was agreed that two additional indicators would be measured from 1st April 2002. These give an indication of availability and responsiveness for the service. At the meeting of the Executive Sub-committee held on 24th January 2005, it was agreed to change the telephone answering target from 80% to 90%, and the Acknowledgement of Appeal target from 80% to 95% with effect from 1st January, 2005.

3.6 Details for year of 2005 are given in Table 2 below.

TABLE 2

PERIOD	% of phone calls answered within 15 seconds	TARGET	% of appeals acknowledged within 2 working days	TARGET
2002/3	96% (24,375 calls)	80%	99% (8,537 appeals)	80%
Year 2003	96% (24,327 calls)	80%	99% (9,213 appeals)	80%
Year 2004	97% (29,764 calls)	80%	99% (10,441 appeals)	80%
Year 2005	97% (20,462 calls) (up to Aug 05, later figures awaited)	90%	99% (9,479 appeals)	95%

3.5 The Committee is requested to note the performance attained so far against the agreed service standard indicators for year 2005.

24

APPENDIX 1

Councils with SPA/PPA Areas

Allerdale	Harlow	Runnymede
Ashford	Harrogate	Rushmoor
Aylesbury Vale	Hart	Salford
Barnsley	Hartlepool	Salisbury
Barrow	Hastings	Sandwell
Basildon	Havant	Sefton
Basingstoke and Deane	Herefordshire	Sevenoaks
Bath and North East Somerset	Hertfordshire	Sheffield
Bedford	Hertsmere	Shepway
Bedfordshire	Horsham	Slough
Birmingham	Hyndburn	Somerset
Blackburn with Darwen	Ipswich	South Bedfordshire
Blackpool	Kent	South Lakeland
Bolton	Lancashire	South Ribble
Bournemouth	Lancaster	Southampton
Braintree	Leeds	Southend-on-Sea
Brentwood	Lewes	Spelthorne
Brighton & Hove	Liverpool	St Albans
Bristol	Luton	Stevenage
Broxbourne	Maidstone	Stockport
Buckinghamshire	Maldon	Stockton on Tees
Burnley	Manchester	Stoke-on-Trent
Bury	Medway	Stratford
Cambridge	Mid Bedfordshire	Sunderland
Cambridgeshire	Mid Sussex	Surrey
Canterbury	Middlesbrough	Swale
Carlisle	Milton Keynes	Swindon
Carmarthenshire	Mole Valley	Taunton Deane
Castle Point	Neath Port Talbot	Tendring
Chelmsford	New Forest	Test Valley
Chiltern	Norfolk	Thanet
Chorley	North Dorset	Three Rivers
Christchurch	North Hertfordshire	Thurrock
Colchester	North Yorkshire	Tonbridge & Malling
Copeland	Northampton	Torbay
Coventry	Northamptonshire	Trafford
Cumbria	Norwich	Uttlesford
Dacorum	Nottingham	Wareham Town
Dartford	Oldham	Warwickshire
Denbighshire	Oxfordshire	Welwyn Hatfield
Doncaster	Pendle	West Lancashire
Dorset	Peterborough	West Sussex
Dover	Plymouth	Weymouth and Portland
East Hertfordshire	Poole	Wigan
East Sussex	Portsmouth	Wiltshire
Eastleigh	Preston	Winchester
Eden	Purbeck	Wirral
Elmbridge	Reading	Woking
Epping Forest	Redcar and Cleveland	Worcester
Epsom and Ewell	Reigate and Banstead	Worcestershire
Essex	Ribble Valley	Wychavon
Fylde	Rochdale	Wyre
Gravesham	Rochford	York
Guildford	Rossendale	
Hampshire	Rotherham	

Future Special and Permitted Parking Areas

Areas expected during and after 2006 with nominal start dates

Area	Expected commencement date
Scarborough Borough Council	Early 2006
Dudley Metropolitan Borough Council	2006
Rugby Borough Council	2006
South Tyneside Metropolitan Borough Council	2006
Gateshead Metropolitan Borough Council	2006
Wolverhampton City Council	2006
Solihull Metropolitan Borough Council	2006
Walsall Metropolitan Borough Council	2006
Warwick District Council	2006
Surrey Heath Borough Council	2006
Nuneaton and Bedworth Borough Council	Mar-2006
Bracknell Forest Borough Council	3 Apr 2006
Tameside Metropolitan Borough Council	1 Apr 2006
Kingston Upon Hull City Council	30 Apr 2006
Kirklees Metropolitan Council	03 July 2006
Conwy County Borough Council	01 Sep 2006
Tandridge District Council	Sep-2006
Corby	Oct-2006
Daventry	Oct-2006
East Northamptonshire	Oct-2006
Kettering	Oct-2006
South Northamptonshire	Oct-2006
Welling Borough	Oct-2006
Ashfield District Council	29 Jan 2007
Bassetlaw District Council	29 Jan 2007
Broxtowe Borough Council	29 Jan 2007
Gedling Borough Council	29 Jan 2007
Mansfield District Council	29 Jan 2007
Newark & Sherwood District Council	29 Jan 2007
Rushcliffe Borough Council	29 Jan 2007
Leicester City Council	Jan-2007
Chester City Council	Apr-2007
Crewe and Nantwich Borough Council	Apr-2007
Ellesmere Port and Neston Borough Council	Apr-2007

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
EXECUTIVE SUB COMMITTEE**

REPORT FOR RESOLUTION

DATE: 31st January 2006
AGENDA ITEM Number 9
SUBJECT: Revenue and Capital Budget Estimates 2006/2007
REPORT OF: The Lead Authority
On behalf of the Advisory Board

PURPOSE OF REPORT

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

RECOMMENDATIONS

It is recommended that the Joint Committee:

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

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

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

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

Successful bids in previous years via the Lead Authority's LTP bidding process resulted in capital approvals via their LTP Transport Capital, Transport Block for Minor Works. These approvals helped the Joint Committee to achieve the developments necessary to establish the service. The Joint Committee now has reserves such that there is no immediate need to apply for further capital approvals at this stage. By the end of year 2006/2007 all previous capital approvals will have been paid such that there will be no requirement for capital financing charges in the revenue account thereafter.

CONTACT OFFICER

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BACKGROUND DOCUMENTS

Road Traffic Act 1991.

The various Special and Permitted Parking Areas orders.

The NPASJC agreement.

The Bus lane Contraventions (Approved Local Authorities) (England) Order 2005, S.I. No.2755.

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

1.0 INTRODUCTION

- 1.1 In accordance with the NPASJC agreement it is necessary to establish a budget estimate for the forthcoming year. An assessment has been made of the likely service take up during 2006/7 and therefore the Adjudicators, administrative support and accommodation needed. This report deals with the consequential establishment of budgets to meet this level of demand.
- 1.2 The adjudication service is operated on a self-financing basis with income obtained from charges made to NPASJC member authorities.
- 1.3 During 2006/7 it is expected that some of the 70 approved bus lane enforcement authorities will begin operations to impose penalty charges as a result of bus lane contraventions. It will be necessary for a separate adjudications joint committee to be established for bus lane enforcement. This separate joint committee will necessarily need to establish a separate budget estimate and cost sharing (fee charging) regime. It is anticipated that Manchester City Council will become the lead authority for both the parking and bus lane adjudication joint committees. The proposal would be for both parking and bus lane adjudications to be administered and heard by adjudicators in an integrated fashion. This would afford an opportunity for cost sharing, further economies of scale and the ability to provide an efficient and effective service.
- 1.4 No account has been made within the proposed budget estimate for bus lane adjudication arrangements. However initial discussions with the Audit Commission about a proposal to keep administration of the two joint committees' accounts to a minimum by allocating expenditure based on the number of appeals received from each type of enforcement would be an acceptable and economic solution at least for the first year of operation of bus lane enforcement. It is therefore expected that during 2006/7 there will be additional income and expenditure available to NPAS for bus lane adjudications.

2.0 BACKGROUND

Revenue Budget Estimates

- 2.1 With the benefit of capital approvals in previous years from the government it has been possible to broadly balance the income and expenditure associated with the previous revenue budgets without the need to charge a 'joining fee' to Councils.
- 2.2 Based on the experience so far, an assessment has been made of the revenue budget that will be needed to meet the demands on the service during 2006/7. The assessment has taken into account current and

additional spending that will be needed as a result of the expected take up of decriminalised parking enforcement powers by other local authorities during the year. Of the 140 or so enforcing councils that make a contribution to the NPAS running costs and will be in the scheme from 1st April 2006, just over 100 have a 'track record' upon which some degree of certainty can be used as a reasonably firm basis on which to predict service demand. A further issue for 2006/7 is that a further 30 councils have indicated their intention to commence DPE in the year, but a third of these do not have a commencement date identified. It has therefore not been possible to take fully into account the demands that would be placed on the service should any or all of the councils that have no commencement date identified for 2006/7 actually begin DPE.

- 2.3 The costing for the staff employees assumes that all the posts identified in the approved structure would be filled for the full year. Not all posts are currently filled and it is expected that during the year the new Head of Service will conduct a staff structure review in consultation with the lead authority and advisory board as previously agreed by the Committee. Allowance has been made for the hand over period between the new head of service starting and the service director retiring.
- 2.4 In the previous year a contingency of £10,000 was included in the estimates. However, there is already a reserve from previous years of £528,696 should unexpected expenditure be needed. It is therefore proposed to reduce the contingency to nil for 2006/7.
- 2.5 The budget has been set with a view to meeting the expected demands on the service and yet reflecting the economies of scale and income that should arise from an expanding service within the service charges, which are reported elsewhere on the agenda.
- 2.5 Details of the proposed revenue budget are contained in the Appendix.

Capital Budget Estimates

- 2.6 With the benefit of Capital Approvals in previous years it has been possible to help establish and expand NPAS. These approvals helped the Joint Committee to achieve the developments necessary to establish the service. The Joint Committee now has reserves such that there is no immediate need to apply for further capital approvals at this stage. By the end of year 2006/2007 all previous capital approvals will have been paid such that there will be no requirement for capital financing charges in the revenue account thereafter.
- 2.8 It is therefore recommended that the Committee adopt a zero capital budget estimate for 2006/2007.

APPENDIX

RECOMMENDED REVENUE ACCOUNT ESTIMATE for 2006/2007

Expenditure	Year 2005/6	Year 2006/7
	£	£
Adjudicators	738,658	747,438
Staff	690,383	694,337
Premises / Accommodation	266,729	267,600
Supplies and services	188,800	251,000
ICT	247,269	287,067
Service Management and Support	43,000	48,000
Audit Fee	2,000	4,550
Capital Finance Charges	22,600	15,233
Contingency	10,000	0
Total Expenditure	2,209,439	2,315,225
Income		
Annual contribution	0	0
Penalty Charge Notices	2,209,439	2,315,225
Adjudication case charge	0	0
Contribution from Reserves	0	0
Total Income	2,209,439	2,315,225
Net Expenditure	0	0

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE EXECUTIVE SUB COMMITTEE

REPORT FOR RESOLUTION

DATE: 31st January 2006

AGENDA ITEM: Number 10

SUBJECT: To establish the NPASJC Service Charges to user councils for 2006/2007

REPORT OF: The Lead Authority
On behalf of the Advisory Board

PURPOSE OF REPORT

To establish the method of charging and the charges to be levied from local authorities participating in the Joint Committee's adjudication service during 2006/2007. To introduce a new charge for transcription of audio recordings.

RECOMMENDATIONS

It is recommended that:

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

ELEMENT	CHARGE
Annual Charge [per SPA]	£nil
Charge per PCN Issued	£0.55
Charge per Adjudication Case	nil.

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

[iii] The incidental cost of making a transcription from the audio recording of proceedings at a personal hearing is charged to the requesting party. This charge to be effective for all requests that are received after 1st March 2006 and have been approved for transcription by an adjudicator.

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.

The charges recommended for 2006/7 are with a view to the service continuing to be self-financing.

A reserve of £528,696 plus any additional reserves from year 2005/6 are available in the event of the income not been sufficient to match the expenditure during 2006/7.

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BACKGROUND DOCUMENTS

Road Traffic Act 1991

The NPASJC agreement.

Accounts and Audit Regulations 2003, S.I. 2003 No 533

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.
- 1.2 The NPASJC agreement provides for the Committee to decide the cost sharing arrangements.
- 1.3 The service has previously benefited from Capital Approvals from government that have resulted in there not being a need to make a 'joining fee' charge for new councils taking up the decriminalised parking enforcement powers.

2.0 BACKGROUND

- 2.1 The NPASJC agreement provides for the adjudication service to be operated on a self-financing basis with revenue obtained from charges made to participating [SPA/PPA] local authorities. An estimate has been made of the likely service take up during 2006/2007. The level of charging has been based on this predicted service activity. It is the practice only to levy charges from those enforcing authorities who manage the enforcement income stream.
- 2.2 The current level of appeals are on average at about the 0.4% level of the number of PCNs issued and which in part is a reflection of the delay between Councils adopting the powers and the period when the appeals could be or are likely to be lodged with the service. For 2006/7 estimates have been based on this appeal rate and this has been reflected in the proposed charge per PCN.
- 2.3 Each year since 2001/2 the case charge has been set at nil. Whilst councils are required to properly consider Representations from vehicle owners who consider there is a ground for cancellation of the Penalty Charge, by setting the case charge at nil there was concern that there may be an increase in the number of cases that come to appeal. At this stage it appears that there has not been an effect on the number of cases. It is therefore proposed to keep the case charge as nil for the present and continue to monitor for this possible effect.
- 2.4 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 Advisory 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. Until year 2002/3 an annual charge of £500 was agreed, this reduced to £250 in 2003/4 and 2004/5, then to nil in 2005/6. With the number of SPA/PPA authorities continuing to grow the annual charge has a reducing significance to the overall income. It is therefore recommended to continue to set the annual charge at nil during 2006/7.

- 2.5 With the additional number of councils in the scheme it will be necessary to increase the revenue budget to reflect the increased demands placed on the service. However with the increase in the number of PCNs issued by councils in the scheme and those predicted to join during 2006/7 it becomes possible to continue to reflect the economies in scale that this brings without the need for an increase due to inflation costs. Therefore, whilst account has been taken for inflation (at 3%) in the proposed budget estimate it is also possible to further reduce the charge per Penalty Charge Notice during 2006/7.
- 2.6 A number of options were considered regarding the level of PCN charge that should be recommended. The two main options considered were to a level of £0.55 per PCN which would be needed to meet the budget level recommended for 2006/7 (reported else where on the agenda) or whether to recommend a lower level of £0.50 per PCN for which a contribution from reserves of £210,475 would be needed to balance the recommended budget level.
- 2.7 As mentioned above the reserve from previous years stood at £528,696 at the end of 2004/5. In addition to this there would be any surplus from year 2005/6. There are two further considerations regarding the option to make a contribution from reserves in 2006/7. One is the effect on cash flow. The cash flow statement for 2004/5 showed a bank balance at 31 March 2005 of £1,010,955, suggesting that the charging in advance method is addressing the cash flow satisfactorily. A further consideration is that of long term liabilities. The 2004/5 balance sheet at note 6 showed a present value of unfunded liabilities in relation to the pension scheme of £162,799, with pension scheme assets of £3,170,108 and pension scheme liabilities of £3,727,038. Together these liabilities should they be realised would have the effect of reducing the reserves by £719,729. (i.e. £719,729 less £528,696 of current reserves giving a possible net liability of £191,033). For the 2004/5 financial statements it proved difficult to separate the Joint Committee's element from that of the lead authority, work is therefore underway to further examine the financial statements in respect of the pension scheme for 2005/6. A prudent approach is being recommended at this stage and therefore the PCN charge is recommended at the £0.55 level for 2006/7.

- 2.8 A comparison of the current charges to those recommended is detailed in Table 1.

Charge Element	2005/6 charge	Recommended Charge for 2006/7
Annual	Nil	Nil
PCN	£0.60	£0.55
Case	Nil	Nil

- 2.9 It is therefore, recommended that the following service charges be adopted by the Joint Committee for 2006/2007.

ELEMENT	CHARGE
Annual Charge	nil
Charge per PCN Issued	£0.55
Charge per Adjudication Case	nil

3.0 METHOD OF CHARGING

- 3.1 The Accounts and Audit Regulations 2003 introduced the requirement for a Cash Flow Statement to be produced for each financial year.
- 3.2 Previously the charges were levied in the first quarter for the Annual charge, or in the quarter they first commence, and on a quarterly in arrears basis for the PCN charge with the March figures being estimated and adjusted in the succeeding quarter. During 2003/4 that practice indicated that in cash flow terms at the end of each quarter revenue account had a net expenditure of about £220,000 after utilising the reserves of £240,381. Should such charging practice have continued then the figures would have grown proportionately as the number of councils in the scheme increased and hence the level of budget.
- 3.3 Following a consultation exercise the Committee agreed that for years 2004/5 and 2005/6 invoices would be raised on the basis of quarterly in advance. So far this has worked well in practice, with income and expenditure broadly matching in cash flow terms, or income has in some quarters been ahead of expenditure.
- 3.4 It is therefore proposed to continue with the practice of the service charges being levied quarterly in advance based on estimated PCN figures and subsequently adjusted when the actual figures become available.

4.0 CHARGE FOR PERSONAL HEARING AUDIO TRANSCRIPTS

- 4.1 When an appeal includes a personal hearing, as a matter of routine the adjudicator makes an audio recording of the proceedings. The recording is available to the adjudicator should they wish to listen to it later. The recordings are not routinely transcribed.
- 4.2 Occasionally, the appellant or respondent council to the appeal requests a transcript of the audio recording. Whether the recording is made available is a matter for the adjudicator to decide in each case.
- 4.3 Should the adjudicator decide to make the transcript available, then it is recommended that for appeals received after 1st March 2006 a charge is introduced. The party to the appeal that requested the transcript to be charged the incidental cost.

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
EXECUTIVE SUB COMMITTEE**

REPORT FOR RESOLUTION

DATE: 31st January 2006
AGENDA ITEM: Number 11
SUBJECT: Adjudication for Bus Lane Enforcement
REPORT OF: The Lead Authority
On behalf of the Advisory Board

PURPOSE OF REPORT

To inform the Committee of future arrangements for bus lane adjudications as a result of regulations made under The Transport Act 2000.

RECOMMENDATIONS

It is recommended that the Committee notes the likely future arrangements for providing bus lane adjudication arrangements for approved local authorities in England (outside London) under The Transport Act 2000.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

There are no immediate effects on the NPASJC budgets.

CONTACT OFFICER

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BACKGROUND DOCUMENTS

Minutes of the NPAS Joint Committee held on 19th November 2001.

The Transport Act 2000.

The Bus Lanes (Approved Devices) (England) Order 2005. S.I. 2005 No.2756.

The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005. S.I. 2005 No.2755.

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

The Tribunals and Inquiries (Bus Lane Adjudicators) (England) Order 2005. S.I. 2005 No.2758.

INTRODUCTION

- 1.0 A report was submitted to the meeting of the Joint Committee at their meeting on 19th November 2001 detailing the potential introduction of new requirements for adjudication within the field of traffic and transportation such as bus lane enforcement and road user charging.
- 1.1 At the above meeting the Joint Committee resolved to:
1. To agree in principle that the role of NPAS should be extended to include other traffic and transportation adjudication processes such as bus lane enforcement and road user charging.
 2. To authorise the Lead Authority to seek the agreement of the NPASJC member councils to extend the Agreement to cover bus lane adjudication support functions and proceed with the changes that will be necessary to the legal agreement to support (1) above.
 3. To request the Officers to submit a report reviewing the above in three years.
- 1.2 Since this meeting new legislation has been made in respect of civil enforcement of bus lanes in England (outside London). This report provides an outline of this new legislation and the arrangements that will need to be made for the associated adjudications.

2.0 BACKGROUND

The present parking adjudication arrangements

- 2.1 The NPASJC agreement has been in place since 1999 for local authorities in England (outside London) and Wales. The agreement provides for those local authorities who adopt decriminalised parking enforcement under the Road Traffic Act 1991 (RTA) to become a party to the agreement and thereby exercise adjudication functions that are required under the legislation.
- 2.2 The NPASJC agreement is under Section 101 of the Local Government Act 1972. Only the relevant local authorities with similar functions may exercise them jointly under such an agreement.
- 2.3 At present there are 160 local authorities in England who are a party to the agreement and 3 from Wales, 163 in all. There are about 30 other local authorities seeking similar powers from both England and Wales in the next year or so.

2.4 Appointing parking adjudicators is a function shared by all the relevant authorities under the RTA statute.

The new civil enforcement of bus lanes regulations

2.5 The government has made regulations under the Transport Act 2000 that from 1st November 2005 enables the seventy highway and traffic local authorities in England (outside London) who already have special and permitted parking areas to resolve to impose penalty charges for bus lane contraventions. These are referred to as "Approved Local Authorities".

2.6 The intention has been for NPAS to provide the adjudication arrangements for the various civil traffic enforcement contraventions in an integrated manner. Such an arrangement would provide the most economic, efficient and effective adjudications to the benefit of all.

2.7 At the request of the Service Director, Leading Counsel opinion has been obtained by the NPASJC lead authority to consider the steps that would need to be taken to enable such an integrated approach.

2.8 As a result of the advice, it would be necessary for those approved local authorities who wish to impose penalty charges for bus lane contraventions to resolve to do so and also they will need to enter into an arrangement to form a joint committee agreement for bus lane adjudication functions under the Local Government Act 1972 in a similar manner to the existing NPASJC agreement. As the approved local authorities are not the same as the decriminalised parking authorities under the RTA it will not be possible to use the NPASJC agreement arrangements for this purpose. i.e. They are different 'functions', and the District Councils in England and the local authorities in Wales are not included, so are different approved local authorities.

2.9 To achieve an integrated civil traffic enforcement adjudication arrangement it would also be necessary for the new bus lane adjudications joint committee to appoint the same 'lead authority', i.e. Manchester City Council, and also with the consent of The Lord Chancellor appoint the NPAS Parking Adjudicators as Bus Lane Adjudicators.

2.10 At their meeting of 21st December 2005 Manchester City Council's Executive agree to: discharge their Council's functions in respect of appointment of (and providing accommodation, staff and facilities for) bus lane adjudicators through a joint committee with other like Councils, and approved the entering into of an agreement with other Councils for this purpose (under Section 101 (5) of the Local Government Act 1972) on

similar terms to the terms of the National Parking Adjudication Service Joint Committee Agreement; to Manchester City Council acting as Lead Authority to the above joint committee.

- 2.11 The Service Director has conducted preliminary discussions with the NPASJC's auditor, The Audit Commission, regarding the methodology that might be adopted in relation to the financial accounts and statements, on the assumption that an integrated approach to providing for the two types of adjudications can be achieved. In the early years of operation the number of bus lane appeals is likely to be small compared with those for parking whilst it will be necessary to provide separate accounts for both joint committees.
- 2.12 A pragmatic approach is being proposed that would enable the services to be delivered in an integrated manner, afford economies of scale for both joint committees, and keep accountancy administration to a minimum. Income would be derived by the bus lane joint committee setting charges based on the number of bus lane Penalty Charge Notices issued in a similar manner that the NPASJC does for parking PCNs. On the expenditure side costs could be divided according to the number of appeals received by type. The Auditor considered that such an approach would not be unreasonable in the short term.
- 2.13 The Service Director has conducted a survey of the 70 approved bus lane local authorities. Of the 44 replies received at the time of writing, 19 have indicated their intention to resolve to undertake bus lane enforcement in the next twelve months. The equivalent annual number of PCNs likely to be issued is estimated at a relatively small number, about 125,000 in a full year compared to the 4million for parking. With the approved local authorities commencing at different times of the year the actual number of PCNs issued during 2006/7 would be much less than this annual amount. Some councils have indicated that their enforcement regime would be extended to additional sites in subsequent years but at this stage the likely effect this would have on the number of appeals is not available.
- 2.14 It is therefore recommended that the Committee notes the likely future arrangements for providing bus lane adjudication arrangements for approved local authorities in England (outside London) under The Transport Act 2000.