

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
MINUTES OF A MEETING OF THE COMMITTEE HELD ON
12TH JULY, 1999 AT THE TOWN HALL, MANCHESTER**

PRESENT:

Councillor Anthony Burns - Manchester City Council (In the Chair)
Councillor J.B.E. Beveridge - Winchester City Council
Councillor Richard King - Kent County Council
Councillor John West - Hampshire County Council
Councillor David Rowlands - Buckinghamshire County Council
Councillor Jim Patey - Portsmouth City Council

Also Present:

Councillor Malcolm Jones - Neath Port Talbot County Borough Council

Also in attendance:

Caroline Sheppard, Chief Adjudicator
John Bridgeman - Department of the Environment Transport and the Regions
Messrs Agnew, Bayless, Carey, Chandler, Crossley, Ellcome, Eastham, Fielding, Marklew,
Richards, Tinsley and Scallan.

JC/99/7 MINUTES

The Minutes of the inaugural meeting of the Joint Committee held on 19th February, 1999 were submitted.

In relation to Minute JC/99/7 the reference in Resolution 1 to Maidstone District Council was corrected to read Maidstone Borough Council.

The Service Director responded in relation to Minute JC/99/9 to a Member's question about the expenditure incurred in refurbishing offices as temporary headquarters. He indicated that the offices concerned would be used until 2003 or 2004 and that the costs involved in refurbishment were less than would have been involved in the lease of other available premises.

DECISION/-

To approve, subject to the correction noted, the Minutes of the meeting held on 19th February, 1999.

JC/99/8 NEW MEMBER COUNCILS

A report of the Lead Officer was submitted seeking approval to extending the Chief Parking Adjudicator's appointment to cover the areas of a number of Councils who have become party to the National Parking Adjudication Service Joint Committee Agreement.

DECISION/-

1. To note that Buckinghamshire (in respect of High Wycombe Town Centre), Maidstone, Hertfordshire (in respect of Watford) and Portsmouth have become a party to the National Parking Adjudication Service Joint Committee Agreement prior to this meeting.
2. To appoint the Chief Parking Adjudicator to cover the areas of the Councils referred to above.

JC/99/9 PROPOSED AMENDMENTS TO THE SCHEME OF DELEGATED POWERS TO THE LEAD OFFICER AND THE CHIEF PARKING ADJUDICATOR

A report of the Lead Officer was considered requesting the Committee to amend the Scheme of Delegation to the Lead Officer and the Chief Parking Adjudicator in order to better facilitate the appointment of part-time Adjudicators, and to extend the remit of the Chief Parking Adjudicator to cover those areas of Councils who join the Committee. The Committee was also requested to authorise the Chief Parking Adjudicator, subject to the consent of the Lead Officer and the Lord Chancellor, to appoint the London Adjudicators as Parking Adjudicators within the areas (as appropriate) of any Council which is or becomes party to the National Parking Adjudication Service Joint Committee. The Committee was also requested to remove the limit on the maximum number of part-time Adjudicators so that sufficient Adjudicators can be appointed to ensure that the needs of the service are met.

DECISION/-

1. To grant authority to the Lead Officer, subject to the Lord Chancellor's consent, to extend the remit of the Chief Parking Adjudicator, by appointing her to act as Chief Parking Adjudicator within the areas of any Council which becomes party to these Joint Committee arrangements.
2. To give authority to the Chief Parking Adjudicator, subject to the consent of the Lead Officer and the Lord Chancellor, to appoint part-time Adjudicators to sit as such within the area of any Council which is party to these Joint Committee arrangements, and, to extend these appointments to enable those Adjudicators to act within the areas of any Councils which become party to these Joint Committee arrangements, as appropriate.
3. To grant authority to the Chief Parking Adjudicator, subject to the consent of the Lead Officer and the Lord Chancellor, to appoint for a period not exceeding five years, sufficient part-time Parking Adjudicators to meet the needs of the service, as appropriate. The Chief Parking Adjudicator to keep the Joint Committee informed of such appointments.

4. To authorise the Chief Parking Adjudicator, subject to the consent of the Lead Officer and the Lord Chancellor, to appoint those Parking Adjudicators who currently hold a similar appointment with the Transport Committee for London, and who are named below, as part-time Parking Adjudicators within the area of any Council which is or becomes a party to these Joint Committee arrangements, as appropriate. Such appointments to be for a period co-terminous with their appointment with the Transport Committee for London -

Robin Allen
Michel Aslaugul
Hugh Cooper
Richard Crabb
Neeti Dhanani
Henry Michael Greenslade
Usha Gupta
Caroline Hamilton
Gary Hickinbottom
Monica Hillen
Edward Houghton
Andrew Keenan
Brian James CBE
Verity Jones
Barbara Mensah
Ronald Norman
Neena Rach
Kathleen Scott
Jennifer Shepherd
Sean Stanton-Dunne
Gerald Styles
Timothy Thorne
Susan Turquet
Diana Witts
Paul Wright

5. To give authority to the Lead Officer to make the necessary arrangements in respect of the engagement of part-time Adjudicators and the payment of their associated fees etc.

JC/99/10 SERVICE DEVELOPMENT PROGRESS REPORT

Consideration was given to a report of the Lead Officer on progress being made in the development of the service and the future likely take-up of DPE powers by other Local Authorities. The Sub-Committee was requested to authorise the attendance of the Chief Parking Adjudicator at the 1999 International Conference "Best Practices in Administrative Justice" to be held in Canada.

DECISION/-

1. To note the progress being made in the development of the service.

2. To authorise the Chief Parking Adjudicator to attend the 1999 International Conference "Best Practices in Administrative Justice" organised by the Council of Canadian Administrative Tribunals, and to agree that the Joint Committee meets the appropriate associated travelling costs.

3. That the Management Board be requested to look at options for the organisation of the Joint Committee's business in the context of its increasing membership, and to bring proposals back to the next meeting.

JC/99/11 CYCLE OF MEETINGS

DECISION/-

To agree that the dates of future meetings will be 21st September 1999 and 25th January 2000 commencing at 12.00 noon.

JC/99/12 HUMAN RIGHTS ACT 1998

A report of the Chief Parking Adjudicator was submitted on the implementation of the Human Rights Act 1998 which will have far reaching effects for all Courts and Tribunals in the United Kingdom. The report advised Members of some of the issues relevant to Parking Adjudicators and the work of the National Parking Adjudication Service Joint Committee.

In introducing the report the Chief Parking Adjudicator indicated that the Service would have to look at a range of responses and procedures to ensure that the relevant aspects of the Act were fully observed in the Service's work. Members asked about the responsibility for the costs of calling witnesses in Tribunal hearings and the Chief Parking Adjudicator indicated that the appellant would be liable for costs, or at least the risk of such costs, in some cases, but that experience in operating the London Service had demonstrated that the number of cases involving witnesses was very few.

DECISION/-

To note the report and to request the Chief Adjudicator to keep the Joint Committee informed of future developments

JC/99/13 EXCLUSION OF THE PUBLIC

DECISION/-

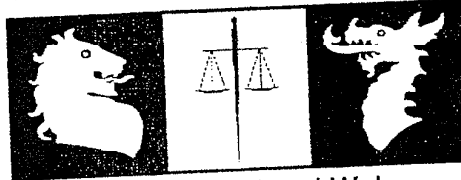
That under Section 100(a)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the items which involve the likely disclosure of exempt information as shown in these Minutes.

JC/99/14 APPOINTMENT OF SERVICE DIRECTOR

(Public excluded by virtue of the disclosure of information relating to an employee - Paragraph 1 to Schedule 12A of the Local Government Act 1972 refers).

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National Parking Adjudication Service



England and Wales

NATIONAL PARKING ADJUDICATION SERVICE
MEETING OF THE JOINT COMMITTEE
To be held at 11am on 12th July 1999 in Committee Room Number 3, Town Hall,
Manchester, M60 2 LA

AGENDA

PART A

1. **URGENT BUSINESS**
To consider any items which the Chair has agreed to have submitted as urgent.
2. **ACCESS TO INFORMATION ACT**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
3. **DECLARATIONS OF PECUNIARY / NON-PECUNIARY INTERESTS**
To allow Members an opportunity to [a] declare any pecuniary or non-pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they precluded from voting as a result of Council Tax / Council rent arrears.
4. **MINUTES**
To approve as a correct record the Minutes of the meeting held on 19th February 1999. [enclosed]
5. **NEW NPASJC MEMBER COUNCILS**
To note that a number of existing SPA / PPA authorities in England [outside London] and Wales have joined NPASJC.
To extend the appointment of the Chief Parking Adjudicator to cover the areas of these Councils.
[Report enclosed and verbal report]

6. **AMENDMENT TO SCHEME OF DELEGATED POWERS TO THE LEAD OFFICER AND CHIEF PARKING ADJUDICATOR**
To amend the Scheme to provide additional delegation to the Lead Officer of appointing the Chief Parking Adjudicator to serve in the areas of authorities joining the Joint Committee. To amend the Scheme in respect of the number of part-time parking adjudicators delegated to the Chief Parking Adjudicator.
[Report enclosed]
7. **PROGRESS REPORT**
To advise the Committee of progress being made in the development of the service.
[Report enclosed]
8. **CYCLE OF MEETINGS**
To agree dates of the meetings in September 1999 and January 2000. It is suggested that meetings commence at 12 noon on the following dates. Tuesday 21st September, 1999 and Tuesday 25th January, 2000.
9. **THE HUMAN RIGHTS ACT 1998**
To inform the Committee of some of the effects the Human Rights Act may have on the NPASJC.
[Report enclosed]
10. **EXCLUSION OF PUBLIC**
To resolve to exclude the public during consideration of the following items which contain confidential information as defined in Schedule 12A of the Local Government Act, 1972. The type of information is shown against each item.

PART B

11. **APPOINTMENT OF SERVICE DIRECTOR**
To inform the Committee of the appointment made to the post of Service Director
(Public excluded by virtue of information relating to employees - Paragraph 1 to Schedule 12A, LGA 1972 refers)

[Report enclosed]

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 12th July 1999

AGENDA ITEM Number 5

SUBJECT: New NPASJC Councils

REPORT OF: The Lead Officer,
On behalf of the Officer Management Board

PURPOSE OF REPORT

To request the Committee to extend the Chief Parking Adjudicators appointment to cover the areas of a number of Councils who have become party to the NPASJC Agreement.

A verbal report may also be given in respect of Councils not listed on the recommendation who may have also become a party to the arrangements between the time of writing the report and the meeting of the Committee.

RECOMMENDATIONS

It is recommended that the Joint Committee:

[i] Note that it is expected that the following Councils listed in [ii] below will have become a party to the NPASJC agreement before the Committee meeting on 12th July 1999 and,

[ii] Appoint the Chief Parking Adjudicator to cover the areas of the following Councils who it is expected will have become a party to the NPASJC agreement; Buckinghamshire [in respect of High Wycombe Town Centre], Maidstone, Hertfordshire [in respect of Watford], Portsmouth.

[iii] Note that additional authorisations to the Lead Officer and the Chief Parking Adjudicator are recommended elsewhere on the Agenda that will provide for adjudicator appointments in respect of areas of other Councils who have not yet become a party to the NPASJC Agreement and who currently have or will obtain in the future decriminalised parking enforcement powers.

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 Chief Executives Department, Manchester City Council
Tel: 0161 234 4084

BACKGROUND DOCUMENTS

National Parking Adjudication Service Agreement.

Files containing associated correspondence.

Road Traffic (Parking Adjudicators) (England & Wales) Regulations 1999

1.0 BACKGROUND

- 1.1 Leading Counsel has advised that it is necessary for the Joint Committee to resolve to extend the appointment of the Chief Parking Adjudicator to cover the areas of any Council which becomes a party to the NPASJC agreement as soon as possible. He advises that the making of such appointments can be delegated to the Lead Officer. He also advises that the Joint Committee should confirm such appointments at their next meeting.
- 1.2 Such a delegation would avoid the need for the Joint Committee to meet on each occasion that a Council wishes to join. Similarly, the appointment of part-time Parking Adjudicators to the areas of joining Councils can be dealt with by giving authority to the Chief Parking Adjudicator to extend the appointment of part-time Adjudicators to act as such in the areas of any Council which becomes party to these Joint Committee arrangements. Accordingly, a report has been prepared elsewhere on the Agenda to enable such delegations.
- 1.3 A number of Councils have now become a party to the NPASJC Agreement. Their Designation Orders provide for them to exercise adjudication powers jointly with the Committee. Therefore, the opportunity has been taken to recommend to the Committee that the appointment of the Chief Parking Adjudicator be extended to cover the areas of the following Councils; Buckinghamshire [High Wycombe Town Centre], Maidstone, Hertfordshire [Watford], Portsmouth.
- 1.4 A number of other Councils who also have SPA / PPA designation Orders are also in the process of becoming a party to the NPASJC Agreement. At the time of writing the report these Councils included; Oxfordshire [in respect of the City of Oxford and Parish of North Hinksey areas] Luton, Neath Port Talbot, East Sussex [in respect of the Hastings area] and Hastings. If these Councils have not become a party to the NPASJC Agreement prior to the meeting of the Committee, the extension of the appointment of the Chief Parking Adjudicator to these areas can be dealt with via the powers recommended elsewhere on the Agenda to be delegated to the Lead Officer.
- 1.5 Accordingly, it is recommended that the Committee notes the Councils that have become a party to the NPASJC agreement; to extend the appointment of the Chief Parking Adjudicator to the areas of these Councils and to receive a verbal report in respect of any Council which becomes a party to the NPASJC prior to the meeting; and to note additional authorisations under the Scheme of Delegated Functions that will provide for Councils who in the future become a party to the NPASJC agreement.

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 12th July 1999

AGENDA ITEM Number 6

SUBJECT: Amendments to the Scheme of Delegated Powers to the Lead Officer and the Chief Parking Adjudicator

REPORT OF: The Lead Officer,
On behalf of the Officer Management Board

PURPOSE OF REPORT

To request the Committee to amend the Scheme of Delegation to the Lead Officer and the Chief Parking Adjudicator in order to better facilitate the appointment of part-time Adjudicators and extend the remit of the Chief Parking Adjudicator to cover those areas of Councils who join the Committee.

To request the Committee to authorise the Chief Parking Adjudicator subject to the consent of the Lead Officer and the Lord Chancellor to appoint the London Adjudicators as Parking Adjudicators within the areas as appropriate of any Council which is or becomes party to the NPASJC.

To remove the limit on the maximum number of Part-time Parking Adjudicators so that sufficient Adjudicators can be appointed to ensure the needs of the service are met.

RECOMMENDATIONS

It is recommended that:

[1] Authority be given to the Lead Officer, subject to the Lord Chancellor's consent, to extend the remit of the presently appointed Chief Parking Adjudicator by appointing her to act as Chief Parking Adjudicator within the areas of any Council which becomes party to these Joint Committee arrangements.

[2] Authority be given to the Chief Parking Adjudicator, subject to the consent of the Lead Officer and the Lord Chancellor, to appoint part-time Adjudicators to sit as such within the area of any Council which is a party to these Joint Committee arrangements and, to extend these appointments to enable these Adjudicators to act within the areas of any Councils which become party to these Joint Committee arrangements, as appropriate.

[3] Authority be given to the Chief Parking Adjudicator, subject to the consent of the Lead Officer and the Lord Chancellor, to appoint for a period of not exceeding five years, sufficient part-time Parking Adjudicators to meet the needs of the service, as appropriate. The Chief Parking Adjudicator be instructed to keep the NPASJC informed of such appointments.

[4] The Chief Parking Adjudicator be authorised, subject to the consent of the Lead Officer and the Lord Chancellor, to appoint those Parking Adjudicators who currently hold a similar appointment with the Transport Committee for London and listed in Appendix 1, as part-time Parking Adjudicators within the area of any Council which is or becomes a party to these Joint Committee arrangements, as appropriate. Such appointments to be for a period coterminous with their London appointment.

[5] Authority be given to the Lead Officer to make the necessary arrangements in respect of the engagement of part-time Parking Adjudicators and the payments of their associated fees, etc.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

There are no consequences to either the Revenue or Capital budgets

CONTACT OFFICER

Bob Tinsley Chief Executives Department, Manchester City Council
Tel: 0161 234 4084

BACKGROUND DOCUMENTS

Minutes of the National Parking Adjudication Service Joint Committee meeting held on 19th February 1999.

National Parking Adjudication Service Agreement.

Scheme of delegation to officers of the lead authority and chief parking adjudicator.

Files containing associated correspondence.

Road Traffic (Parking Adjudicators) (England & Wales) Regulations 1999

1.0 BACKGROUND

- 1.1 At the meeting held on 19th February 1999, the Joint Committee adopted a Scheme of delegated functions for the Lead Officer and Chief Parking Adjudicator.
- 1.2 At this meeting in addition to approving the staffing structure posts the Joint Committee also agreed to ten part-time Parking Adjudicators being engaged under service contracts. Further consideration has been given by the Lead Officer, Chief Parking Adjudicator and the Management Board as to how a practical means forward may be found to match the timing of such appointments with the development of the service needs.
- 1.3 The issues considered included the geographic spread of Councils requiring adjudication, the place where Adjudicators may be primarily located for their other work and their availability. A further issue is the length of time involved in appointing the Adjudicators which takes several months.
- 1.4 It has been concluded that there is no particular ideal number of Parking Adjudicators and that such appointments should be delegated to the Chief Parking Adjudicator so that a balance may be struck between service need and adjudicator availability
- 1.5 The temporary arrangement for the provision of adjudication, between the Transport Committee for London and a number of Councils in geographic close proximity to London, ends on 4th July 1999. Motorists who receive a Penalty Charge Notice from such Councils have become accustomed to electing to have their appeal heard in either the local venue where the PCN was issued e.g. Oxford, or in London, which ever might be more convenient for them.
- 1.6 It is likely to be the late autumn of 1999 before the full recruitment process of appointing part-time Parking Adjudicators including obtaining the Lord Chancellor's consent is completed. It is therefore considered appropriate that Parking Adjudicators who hold an appointment with London should also hold a similar appointment in respect of the areas of those Councils who are a party to the NPASJC.
- 1.7 A number of Councils have joined the NPASJC since the date of the last meeting and more Councils are expected to join shortly. Advice has been obtained from Leading Counsel so as to establish a safe means of ensuring that Adjudicators are properly appointed not only in respect of the areas of the original member Councils of NPASJC but also in respect of the areas of any Council which subsequently join the NPASJC.

- 1.8 Leading Counsel has advised that it is necessary for the Joint Committee to resolve to extend the appointment of the Chief Parking Adjudicator to cover the areas of any Council which subsequently becomes a member of the Joint Committee. He advises that the making of such appointments can be delegated to the Lead Officer. Such a delegation would avoid the need for the Joint Committee to meet on each occasion that a Council wishes to join. Similarly, the appointment of part-time Parking Adjudicators to the areas of joining Councils can be dealt with by giving authority to the Chief Parking Adjudicator to extend the appointment of part-time Adjudicators to act as such in the areas of any Council which becomes party to these Joint Committee arrangements.
- 1.9 Accordingly, a number of delegations to the Lead Officer and the Chief Parking Adjudicator are recommended to be added to the Scheme of Delegation to cover these matters and ensure the ability of Councils to join the NPASJC at the appropriate time. These further delegations will avoid the situation arising whereby adjudication would not be available to a joining Council until a meeting of the Committee has been held and the appropriate resolution agreed.

APPENDIX 1

LIST OF ADJUDICATORS HOLDING AN APPOINTMENT WITH THE PARKING COMMITTEE FOR LONDON.

Robin Allen
Michel Aslangul
Hugh Cooper
Richard Crabb
Neeti Dhanani
Henry Michael Greenslade
Usha Gupta
Caroline Hamilton
Gary Higginbottom
Monica Hillen
Edward Houghton
Andrew Keenan
Brian James CBE
Verity Jones
Barbara Mensah
Ronald Norman
Neena Rach
Kathleen Scott
Jennifer Shepherd
Sean Stanton-Dunne
Gerald Styles
Timothy Thorn
Susan Turquet
Diana Witts
Paul Wright

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 12th July 1999

AGENDA ITEM Number 7

SUBJECT: Progress Report

REPORT OF: The Lead Officer,
On behalf of the Officer Management Board

PURPOSE OF REPORT

To inform the Committee of the progress being made in the development of the service and the future likely take up of DPE powers by other local authorities.

To request the Committee to authorise the attendance of the Chief Parking Adjudicator at the 1999 International Conference "*Best Practices in Administrative Justice*"

It is recommended that the Joint Committee:

- [i] Note the progress being made in the development of the service.
- [ii] Authorise the Chief Parking Adjudicator to attend the 1999 International Conference "*Best Practices in Administrative Justice*" organised by The Council of Canadian Administrative Tribunals; and agree that NPASJC meets the appropriate associated travelling costs.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

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

There is provision within the budget for attendance at seminars and conferences.

CONTACT OFFICER

Bob Tinsley Chief Executives Department, Manchester City Council
Tel: 0161 234 4084

BACKGROUND DOCUMENTS

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

1.0 INTRODUCTION

1.1 This report has been prepared to keep Members advised of the progress being made by other Councils in England and Wales in their adoption of decriminalised parking enforcement powers and hence the anticipated need for adjudication in the future.

1.2 The report also provides an update on progress in the establishment of the service.

2.0 OTHER COUNCILS IN ENGLAND AND WALES

2.1 Where the Special Parking Area / Permitted Parking Area covers both on-street and off-street locations in shire county areas it necessary for both the shire County Council as traffic Authority and the District Council to join the Joint Committee in order for them to each exercise their respective functions associated with adjudication.

2.2 The four founding Councils of the NPASJC, Hampshire, Kent, Manchester and Winchester, are at the time of writing in the process of being joined by Oxfordshire [in respect of City of Oxford and Parish of North Hinksey areas], Buckinghamshire [in respect of the High Wycombe Town Centre areas], Maidstone, Hertfordshire [in respect of the Watford area], Luton, Neath Port Talbot, Portsmouth, East Sussex and Hastings.

2.3 During the next two years it is expected that Ashford, Birmingham, Bolton, Canterbury, Dartford, Dover, Gravesham, Medway, Salford, Sefton, Sevenoaks, Shepway, Swale, Thanet, Tonbridge & Malling, Trafford, and Tunbridge Wells will all be taking up DPE powers and therefore joining the Committee. In addition, over 60 other Councils throughout England and Wales are known to be considering applying for the powers.

2.4 In order to keep those Councils informed who have not yet applied for DPE powers members of the Management Board regularly draft press releases. The Management Board are planning a conference in the autumn for such Councils similar to the one held at Birmingham in June of last year.

3.0 SERVICE DEVELOPMENT

3.1 Parking Adjudicator Regulations for NPASJC have been made and are known as the "Road Traffic (Parking Adjudicators) (England & Wales)

Regulations 1999". At the time of writing, the Regulations are planned to be laid in Parliament on 5th July 1999 and will come into force 21 days later. All the arrangements that are in hand will enable adjudication to commence in the areas of all Councils who become a party to the NPASJC agreement including those authorities who have temporary agreements with the Transport Committee for London which ends on 4th July 1999.

- 3.2 The recruitment process for the appointment of part time adjudicators has commenced. It is estimated that it will be late autumn before this first round of recruitment is completed.
- 3.3 Refurbishment works using Capital monies from Government are now substantially complete. This will help to stress the independence of the service from any of the Joint Committee Councils. It should however be noted that due to the delay in establishing NPASJC there was an underspend on the Capital budget in 1998 / 1999. Talks have taken place with Government officials with a view to a corresponding additional grant approval in 1999 / 2000. This will be the subject of a further report to the next Committee meeting.
- 3.4 Telecommunications are in place including Fax and a local call rate telephone number for appellants. Email and an Internet web site are under development and should be available shortly. This will provide a full range of communications facilities for service users.
- 3.5 The procedure for dealing with appeals will start using a basic manual system, using standard office Information Technology capability for word processing and file management, etc. Whilst this will be effective in the short term for the number of appeals to be considered a bespoke file management and work progress system will be developed for the medium term using Government capital funding which is available this year. This will be one of the first tasks for the Service Director and Chief Parking Adjudicator to put in hand.
- 3.6 In delivering the service, we must ensure that access to justice is maintained for aggrieved motorists. Whilst the operational base will be in Manchester, where we will deal with postal appeals, personal hearings will need to be held locally. The details of suitable locations in each area will need to be negotiated with NPAS as authorities begin decriminalisation and we will be looking to local authorities to identify premises which can be demonstrated to the public as independent from operational Council buildings. The adjudication process is a judicial function and must be separated from the enforcing authority and delivered on an objective basis. Guidelines will be developed for the types of premises acceptable to the Council on Tribunals who oversee this issue.

4.0 1999 INTERNATIONAL TRIBUNALS CONFERENCE

- 4.1 The first international tribunals conference organised was held in Bristol, England. A second conference has been arranged for 10th to 12th October 1999, this time the venue is to be Vancouver, British Columbia, Canada. The theme of the conference is "*Best Practice in Administrative Justice*". NPASJC is seen on the world stage to be the latest Adjudication Service and at the cutting edge of Independent Tribunals. The Lead Officer therefore considers that it is in the interests of NPASJC to monitor such developments and where ever possible contribute to by share our experiences with other similar organisations.
- 4.2 Caroline Sheppard our Chief Parking Adjudicator and Professor John Raine of Birmingham University's School of Public Policy, have been invited to deliver a joint paper to the above mentioned second conference.
- 4.3 Speakers from around the world have been invited to deliver papers, including countries such as Australia, USA, Mexico, France, Belgium, Columbia, Canada, etc.
- 4.3 It is usual on such occasions for the organising body to meet the accommodation expenses of the speakers but for their own organisation to meet their costs associated with travelling. There is budget available for such seminars and conferences in the current year.
- 4.4 Accordingly, the Lead Officer considers that it would be appropriate for the Committee to agree to Caroline Sheppard delivering a paper to such a prestigious event and for NPASJC to meet her necessary associated travelling expenses.

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 12th July 1999
AGENDA ITEM Number 9
SUBJECT: The Human Rights Act 1998
REPORT OF: The Chief Parking Adjudicator

PURPOSE OF REPORT

The implementation of Human Rights Act 1998 (the Act) will have far reaching effects for all courts and tribunals in the U.K. This report advises Members of some of the apparent issues relevant to parking adjudicators and the NPASJC.

RECOMMENDATIONS

It is recommended that the Joint Committee:

[i] note the report and

[ii] request the Chief Adjudicator to keep the Committee informed of future developments.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

There are no immediate consequences to either the Revenue or Capital budgets.

CONTACT OFFICER

Caroline Sheppard, Chief Adjudicator, NPASJC

Tel. 0161 834 1881

Bob Tinsley Chief Executives Department, Manchester City Council

Tel: 0161 234 4084

BACKGROUND DOCUMENTS

The Human Rights Act 1998

1.0 INTRODUCTION

1.1 For the purposes of the Act:

- The NPAS is a public authority (as is each local authority) and is therefore subject to the provisions of the Act.
- It is unlawful for a public authority to act in any way that is incompatible with the Act (and “acts” of the public authority include omissions).
- The NPAS and each adjudicator performing his/her functions come within the definition of “court”. While only the higher courts will be able to make declarations of incompatibility with the Act, we have a duty to take into account any relevant decision or judgment of the Court of Human Rights.

2.0 THE ACT

2.1 There are three aspects of the Act which require particular consideration:

1. The Act emphasises the right of a citizen to have his dispute with an authority to be heard by an independent tribunal. That parking adjudicators are appointed, and remunerated by a body which comprises the local authorities which will be subject to the appeals, may be regarded as being incompatible with the Act. Currently this appears to be more of a problem for the London committee who have undertaken a number of other functions to assist councils with enforcement. By confining their function to the provision of an adjudication service, and having delegated the appointment of part time adjudicators to the Chief Adjudicator, the NPASJC has ensured that a challenge to the independence of the tribunal would be hard, in fact, to mount.
2. Having regard to the duty to consider relevant decisions of the Court of Human Rights, it appears that the Court has previously determined that decriminalised traffic offences which carry a penalty to be criminal. Therefore proceedings before a parking adjudicator should properly be defined as “criminal”. This, on the face of it, gives the citizen the right to cross-examine witnesses, and also to legal aid. Parking Attendants have from time to time been called to give evidence where the issues in the case merit it. Therefore if appellants’ rights are clearly explained in NPASJC literature there may be little impact on existing procedures. Legal Aid, of course, is a matter for the Lord Chancellor, who does not apparently have any plans to extend Legal Aid to tribunals.

3. It now appears that that Human Rights Act 1998 (the Act) will come into force in England in October 2000. However the Act has already been implemented for any proceedings which come under the auspices of the Welsh Assembly which include parking. NPASJC, therefore must be prepared to deal with any points which could be raised in Neath Port Talbot or other similar Councils in Wales who become party to the Agreement.

PART B
Local Government Act, 1972
Paragraph 1, Employee Matters

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 12th July 1999
AGENDA ITEM Number 11
SUBJECT Appointment of Service Director
REPORT OF: The Lead Officer
