

Roamina Karkera
City Solicitors

6.



NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

Date: Friday 19th February, 1999

Time: 2.00pm

Place: Committee Room 2

Level 2, Town Hall, Manchester



AGENDA

1. **APPOINTMENT OF CHAIR AND VICE CHAIR**

To appoint Members to serve as Chair and Vice Chair of the Joint Committee.
(These appointments to be effective until the Annual meeting in September 1999 or September 2000. Members to determine)

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 interests they might have 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.

4. **STANDING ORDERS, FINANCIAL REGULATIONS, AND OTHER JOINT AGREEMENT PROVISIONS**

The Agreement provides the Standing Orders and Financial Regulations of the Joint Committee (**Enclosed**), accordingly, the Committee is requested to adopt them)

5. **LEAD AUTHORITY**

- a) To note that Manchester City Council has been appointed as Lead Authority for the provision of the goods and services to the Joint Committee;
- b) To agree that the Chief Executive of Manchester City Council be appointed Lead Officer to discharge functions of the Joint Committee as set out in the Scheme of Delegation;
- c) To adopt the Scheme of Delegated Functions to officers for the management of the Service (**Report enclosed**);
- d) To request the Lead Officer to make arrangements with the Audit Commission for Auditors to the Joint Committee to be appointed (**Report enclosed**);
- e) To appoint the City Treasurer of the Lead Authority as the Joint Committee's Treasurer, and
- f) To agree the appointment of a Management Board comprised of persons detailed in the attached report

6. **CYCLE OF MEETINGS**

To agree that ordinary meetings of the Joint Committee will be held in January and September (Annual Meeting) each year, on dates to be agreed by the Chair.

7. **REVENUE AND CAPITAL BUDGET ESTIMATES 1998/99 AND 1999/2000**
To approve the estimates as reported.
8. **SERVICE CHARGES**
To consider the enclosed report and to approve the level of service charges.
9. **STAFF ASSIGNMENT**
To consider the enclosed report concerning proposals for the staff assignment of the Service.
10. **ADMITTANCE OF OTHER LOCAL AUTHORITIES TO THE JOINT COMMITTEE ARRANGEMENT**
To consider the enclosed report
11. **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.
12. **SERVICE HEADQUARTERS**
To agree the proposed location of the Headquarters of the Service and the appointment of contractors to undertake refurbishment works.
(Public excluded by virtue of information relating to contracts - Paragraph 7 to Schedule 12A, LGA1972 refers)
13. **INFORMATION TECHNOLOGY**
To consider proposals for the development of information technology systems
(Public excluded by virtue of information relating to contracts - Paragraph 7 to Schedule 12A, LGA1972 refers)
14. **APPOINTMENT OF CHIEF PARKING ADJUDICATOR**
To report the recommendation of the Appointments Panel following interviews held on 14th January, 1999, and to confirm the appointment.
(Public excluded by virtue of information relating to employees - Paragraph 4 to Schedule 12A, LGA1972 refers)

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AGENDA ISSUED : 12th February, 1999

Item No. 4

SCHEDULE 3

THE NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE'S

STANDING ORDERS

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22. Access to Documents information and Land
23. Suspension of Standing Orders
24. Interpretation

1. Chairman Vice-Chairman and Auditors

The NPASJC at its first meeting and subsequently on an annual basis shall (a) elect from one of its members a Chairman and Vice-Chairman and (b) appoint Auditors

2. Duration of Appointments

- (i) Each member of the NPASJC shall hold office from the date of the first meeting of the NPASJC following his appointment to the date of the next annual meeting of the NPASJC or until his appointment is terminated by the appointing Council which may be done at any time or until he ceases to be a member of the appointing Council whichever occurs first.
- (ii) The Chairman and Vice-Chairman shall hold office until the following Annual meeting but such office shall be deemed to be vacated if the person elected ceases to be a member of the Council for which he was a representative at the time of his election or his appointment is terminated by that Council

Servicing and Advice

Servicing and Advice

- (i) It shall be the responsibility of the Lead Officer to convene all meetings of the NPASJC.
- (ii) A Management Board may be appointed by the NPASJC comprising the Lead Officer, such other officers and other persons appointed by the NPASJC and a representative nominated by the Department of the Environment Transport and the Regions (DETR) to advise the NPASJC on any matter relating to the functions conferred on the NPASJC. The Management Board shall be entitled to depute one or more of their number to attend and advise at meetings of the NPASJC.

4 Meetings and Agenda

- (i) A meeting of the NPASJC may be called at such date, time and place
 - (a) at the instance of the Chairman; or
 - (b) as may be determined by the NPASJC; or
 - (c) by a requisition, signed by not less than one half of the members of the NPASJC delivered to the Lead Officer at least ten working days before the date of the meeting.

Provided that the NPASJC shall meet at least once every year (the
Annual Meeting)

The summons to any meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances,

and each shall enter in the minutes, the Chairman of the meeting shall

of the opinion that the item should be considered at the meeting as a matter of urgency.

(ii) At every meeting of the NPASJC the Chairman, if present, shall preside. If the Chairman is absent the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent the meeting shall elect a Chairman from one of its members. For the purposes of these Standing Orders references to the Chairman, in the context of the conduct of business at meetings, shall mean the person presiding under this Standing Order.

(iii) Any Council acting through its nominated member or a Management Board Representative may give written notice of an item to be placed on the Agenda of the NPASJC. All notices of items for agendas and reports for circulation with agendas must be received by the Lead Officer not less than fifteen working days prior to the meeting to which the agenda relates

(iv) Each of the Councils and every Management Board representative shall be entitled to receive a copy of the Agenda, papers and minutes of the proceedings of the NPASJC.

(v) The Lead Officer shall, not less than seven clear days before the intended meeting of the NPASJC:-

(a) circulate a notice thereof to each member of the NPASJC and Chief Executives of each of the Councils, accompanied by a notice of the business to be transacted. Provided that the failure of any such notice to be delivered shall not affect the validity of the meeting or of the business transacted thereat.

- (b) publish notice thereof in the London or other daily national publication as may be specified by the Lead Officer Provided Always if not published in the London Gazette the Lead Officer shall give 14 days notice in writing to the Councils of the name of newspaper in which notice of meetings is to be published.
- (vi) Deputations shall be entitled, upon prior notification being given to the Lead Officer and at the discretion of the Chairman, to attend and address the meeting for not more than ten minutes and to answer questions from members of the NPASJC for a further ten minutes.
- (vii) A representative of the Department of the Environment Transport and the Regions may attend the meetings of the NPASJC as adviser to the NPASJC and may participate fully on all items of business but not vote.

5. Substitute Members

If a member of the NPASJC is unable to be present at a meeting of the NPASJC, that Council may be represented by a substitute who shall be an elected Member of that Council duly appointed for the purpose and whose name has been duly notified in writing to the Lead Officer of the NPASJC by the Chief Executive of the Council concerned at least 24 hours prior to the Committee meeting. A substitute attending a meeting of the NPASJC shall declare and vote as if a member of the NPASJC. No substitute member may attend any meeting at which the member for which he is substitute is present.

6. Attendance Record

At every meeting each member attending shall record such presence on the attendance sheet or other form of record provided by the Lead Officer.

7. Order of Business

- (i) The order of business at every meeting shall be
 - (a) to approve as a correct record the minutes of the last meeting;
 - (b) to dispose of business (if any) remaining from the last meeting;
 - (c) to receive and consider reports prepared for the NPASJC.
- (ii) The Chairman shall have discretion to alter the order in which business is taken at the meeting.

8. Minutes

- (i) Minutes of every meeting of the NPASJC or any Sub-Committee shall be submitted to and signed at the next following meeting of the body concerned.
- (ii) The Chairman shall put the question that the minutes submitted be approved as a correct record of the meeting in question.
- (iii) No other motion or discussion shall take place upon the Minutes except upon their accuracy. If no such question is raised or if it is raised, then as soon as it has been disposed of, the Chairman shall sign the Minutes.

9. Sub-Committees

- (i) The NPASJC shall be entitled to appoint such Sub-Committees as it thinks fit.
- (ii) The composition of all Sub-Committees shall be such as to reflect the balance of political parties or groups on the NPASJC in accordance with Part I of the

Local Government Association. No member may be appointed to a Sub-Committee unless willing to serve.

10. Voting

- (i) Each member (or if absent the named substitute member) shall be entitled to one vote on each question to be decided. Subject to paragraph 10(iii), every question shall be determined by a show of hands and shall be determined by a simple majority.
- (ii) In the case of an equality of votes, the Chairman shall have a second or casting vote.
- (iii) On the requisition of any member made before any vote is taken on a motion or an amendment, the voting shall be recorded so as to show how each member present and voting voted. The name of any member present and not voting shall also be recorded.

11. Quorum

- (i) The quorum of the NPASJC shall be one quarter of the number of members but in any event not less than three, and the quorum of a Sub-Committee shall be one quarter of the number of the members of the Sub-Committee.
- (ii) For the avoidance of doubt non-attendance of the representative appointed by the DETR shall not render the meeting inquorate nor shall he be counted in deciding whether a quorum has been established.
- (iii) No business can be transacted at any meeting unless a quorum is present.

12. Rules of Debate

- (i) A motion or amendment shall not be discussed unless it has been proposed and seconded.

(ii) A member shall address the Chairman and direct any speech or question to the member

under discussion. If two or more members indicate they wish to speak the Chairman shall call on one to speak first.

(iii) An amendment shall be

- (a) to leave out words
- (b) to leave out words and insert or add others
- (c) to insert or add words

but any such amendment must not have the effect of introducing a new proposal into or of negating the original motion.

(iv) A member shall not speak for longer than 5 minutes on any matter without the consent of the NPASJC.

(v) No member shall address the NPASJC more than once on any issue, but the mover of an original motion may reply, in which reply no new matter shall be introduced, but the reply shall be confined strictly to answering the previous observations.

(vi) a member may claim to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified standing order and the way in which the member raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by him in the current debate which may appear to have been misunderstood. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion

- (vii) If an amendment is rejected, the original motion may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any other amendment may be moved.
- (viii) A further amendment shall not be moved until the NPASJC has disposed of every amendment previously moved, provided that the Chairman shall have discretion to allow debate to take place on two or more amendments.
- (ix) A member at the conclusion of a speech of another member may move without comment
- (a) that the question be now put
 - (b) that the debate be now adjourned
 - (c) that the NPASJC proceed to the next business
 - (d) that the NPASJC do now adjourn

If such a motion is seconded, the Chairman, shall, subject to the mover's right to reply, put the motion to the vote, and if it is carried -

in case (a) - the motion then before the meeting shall, subject to the right of reply, be put to the vote; or

in case (b) - the debate on the motion then before the NPASJC shall stand adjourned until the next ordinary meeting of the NPASJC; or

in case (c) - the motion then before the NPASJC shall be regarded as lost and the NPASJC shall proceed to the next item on the Agenda, if any; or

in case (d) - the meeting shall stand adjourned.

- (x) If the Chairman is of the opinion that the matter before the NPASJC has been sufficiently discussed he may put the motion that the question now be put

Chairman shall decide all questions of order and controlling by the Chairman upon such questions and the interpretations of these Standing Orders, and upon matters arising in debate shall be final and shall not be open to discussion.

13. Admission of Public to Meetings

All meetings of the NPASJC shall be open to the public (including the Press) except to the extent that they are excluded whether during the whole or part of the proceedings either:-

- (i) In accordance with Section 100A(2) of the Local Government Act 1972; or
- (ii) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

14. Disorderly Conduct

- (i) If the Chairman is of the opinion that a member has misconducted, or is misconducting himself by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the NPASJC he may notify the meeting of that opinion and may take any of the following action either separately or in sequence:

- (a) he may direct the member to refrain from speaking during all or part of the remainder of the meeting
- (b) he may direct the member to withdraw from all or part of the remainder of the meeting
- (c) he may order the member to be removed from the meeting
- (d) he may adjourn the meeting for such period as shall seem expedient to him
- (ii) In the event of general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power invested in the Chairman, may without question, adjourn the meeting of the NPASJC for such periods as in the Chairman's discretion shall be considered expedient.

15. Disturbance by Members of the Public

If any member of the public interrupts the proceedings at a meeting of the NPASJC, the Chairman may warn that person to stop. If the person continues the interruption, the Chairman may order that person's removal from the meeting. In the event of general disturbance in the part of the room provided for the public, the Chairman may order that part to be cleared.

16. Urgent Business

- (i) If at any time the Lead Officer considers any matter is urgent and should be decided upon prior to the next meeting of the NPASJC then he shall consult the NPASJC's Chairman. If the Chairman agrees the matter is urgent, then the Lead Officer shall be empowered to make the decision in accordance with

each recommendation, subject to the decision being recorded in the minutes and signed by the Lead Officer to the NPASJC.

- (ii) All decisions taken under this Standing Order shall be reported to the next meeting of the NPASJC.

17. Rescission of Preceding Resolution

No motion to rescind any resolution passed at the meeting and no motion or amendment to the same effect shall be proposed at that meeting.

18. Delegation of Functions

The NPASJC may delegate to officers such of their functions as are permissible under statute and may, in relation to any of those functions, require that the exercise of those functions be subject to such conditions as the NPASJC deems fit to impose.

19. Variations and Revocation of Standing Orders

Any motion to vary or revoke these Standing Orders shall require confirmation at the next ordinary meeting of the NPASJC before the proposed variation or revocation shall be considered to be effective.

20. Interests of Members in Contracts and Other Matters

- (i) Where any member has given a general notice of a pecuniary interest of his or of his spouse, and is thereby relieved of the statutory duty to declare that interest at a meeting at which a contract or other matter affecting that interest is to be considered, he shall nevertheless orally remind the meeting of that interest. Any such reminder shall be recorded in the minutes of the meeting.

- (ii) Where any member has declared a pecuniary interest in a contract, grant, proposed contract or other matter, whether by giving a general notice or by making an oral

decide that a member should withdraw from the room in which the meeting is being held while the matter is under consideration unless:

- (a) the disability to discuss, or vote upon any matter arising from the contract or other matter has been removed by the Secretary of State under Section 97 of the Local Government Act 1972; or
- (b) the contract, grant, proposed contract or other matter is under consideration by the meeting as part of the report or minutes of a sub-committee (in the case of a meeting of the NPASJC) and is not itself the subject of debate
- (iii) Any person, other than an officer of the NPASJC, who is appointed to do anything in connection with the NPASJC or sub-committee which enables him to speak at meetings of the NPASJC or sub-committee shall make the same disclosures of pecuniary interests, and shall withdraw from the room in which the meeting is being held on the same occasions, as he would have to do if he were a member of the NPASJC or subcommittee

21. Interests of Officers in Contracts and Other Matters

- (i) In addition to his duty under Section 117 of the Local Government Act 1972 if it comes to the knowledge of any officer that he has a disclosable pecuniary interest in any contract which has been, or is proposed to be, entered into by the NPASJC, or in some other matter which is to be considered by NPASJC or sub-committee, he shall as soon as practicable give notice in writing to the Lead Officer of the fact that he is interested therein
- (ii) For the purposes of this standing order, a disclosable pecuniary interest is an interest that, if the officer were a member of the NPASJC and if the contract or other matter

~~Members~~ were to be considered at a meeting of the NPASJC at which he is present, he

would have to disclose it under Section 94 of the Local Government Act 1972.

- (iii) The Lead Officer shall record in a book to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer under Section 117 of the Local Government Act 1972 or paragraph (i). The book shall, during the ordinary office hours of the Lead Authority be open for inspection by any member of the NPASJC
- (iv) Where an officer submits a report to a meeting on a matter in which he has declared an interest under Section 117 of the Local Government Act 1972 or paragraph (i), he shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report
- (v) Where any officer advises orally a meeting of the NPASJC or a subcommittee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of Section 117 of the Local Government Act 1972, or of paragraph (i), he shall remind the meeting orally of that interest

22. Access to Documents, Information and Land

- (i) In addition to the rights of members of the NPASJC under Section 100F of the Local Government Act 1972, but subject to paragraph (ii) below, any member of the Councils shall be entitled on application to the Lead Officer to inspect any document or recorded information in the possession, or under the control, of the NPASJC access to which is necessary for the proper discharge of his functions as a member of that Council;

provided that:

- (a) ~~any person~~ shall be entitled to inspect any document or have access to any ~~information~~ information relating to a matter in which he has a pecuniary interest,
- (b) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the NPASJC
- (ii) in the case of any document other than a document to which the rights under Section 100F of the Local Government Act 1972 apply, and in any case of information which is not in the form of a document, if the Lead Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Council or as a member of the NPASJC, as the case may be) of the person requesting such access, and there is good reason why access should be refused, he may refuse the person concerned access to the document or information in question
- (iii) Where a person inspects a document under the rights conferred by Section 100F of the Local Government Act 1972 or this standing order, and the NPASJC may lawfully make a copy of that document, he shall be entitled, on request, to be given a copy of that document:
- provided that:
- (a) a reasonable charge shall be made for the copy unless the Lead Officer otherwise directs;
- (b) a copy may be refused if the Lead Officer considers that it is impracticable to make a copy.

member (iv) If a member of the NPASJC or any other member of the Councils has to have access to land or buildings in the occupation of the NPASJC to which the public do not have access and to which such members do not regularly have access, he shall apply to the Lead Officer. Unless the Lead Officer considers that there is good reason why such access should not be given, he shall give permission but may attach conditions to that permission including particularly a condition that the member shall be accompanied by a specified officer.

(v) If any member of the Councils or any other member of the NPASJC is dissatisfied with any determination of the Lead Officer under Section 100F of the Local Government Act 1972 or under this standing order, he may refer the question to the NPASJC which shall, after considering any representations that person or the Lead Officer may wish to make, determine whether or not to uphold the Lead Officer's determination

(vi) No member of the Councils and no other member of the NPASJC shall have any claim by virtue of his position:

- (a) to enter any land or buildings occupied by the NPASJC to which the public do not have access or to which such members do not regularly have access except with the permission of the Lead Officer;
- (b) to exercise any power of the NPASJC to enter or inspect other land or buildings, except where specifically authorised to do so by the NPASJC;
- (c) to exercise any other power of the NPASJC;
- (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the NPASJC, or with respect to any goods or services which are being, or might be, purchased by the NPASJC

~~(vii) The Lead Officer for the purposes of Section 100F(2) of the Local Government Act 1972~~

1972 and for the purposes of this standing order is the Lead Officer

(viii) For the purposes of this standing order a person has a pecuniary interest in a matter if, on the assumptions that he were a member of the NPASJC, and that the matter were to be considered by the NPASJC, he would have to declare the interest under Section 94 of the Local Government Act 1972

(ix) Where any information is given to any person (including a member of the Councils, or any member of the NPASJC) by the NPASJC or by one of the employees of the Lead Authority in the course of transacting any business of the NPASJC, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the NPASJC

23. Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended at any meeting so far as regards any business on the Agenda for such a meeting, providing that the majority of the members present and voting so decide.

24. Interpretation and Definitions

In these Standing Orders the following terms shall have the following meanings assigned to them:-

"Council" means any Council then party to the joint arrangements contained in an Agreement dated 18 February 1999 ("the Agreement")

"Lead Authority" means such Council appointed as such pursuant to the Agreement

"Lead Officer" means the Chief Executive of the Lead Authority and if the office of Chief Executive is vacant or the said Chief Executive is absent or otherwise unable to

act shall mean the Deputy Chief Executive or such other officer by whom the duties of Chief Executive are being carried out

"The Management Board" means the Board comprising the Lead Officer and other officers and other persons appointed by the NPASJC and may include sitting in an ex-officio capacity an official nominated by the Department of the Environment Transport and the Regions.

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE REPORT FOR RESOLUTION

DATE: 19th January 1999

AGENDA ITEM: Number 5 (c)

SUBJECT: National Parking Adjudication Service
Scheme of Delegated Functions

REPORT OF: The Chief Executive, Manchester City Council
On behalf of the Interim Management Board

PURPOSE OF REPORT

To adopt a Scheme of Delegated functions for the Lead Officer and Chief Parking Adjudicator

RECOMMENDATIONS

It is recommended that:

[1] The Chief Executive of Manchester as the Lead Authority is designated to perform the functions delegated to the Lead officer and, if the office of the Chief Executive is absent or otherwise unable to act, the Deputy Chief Executive or other such officer by whom the duties of Chief Executive are being carried out is hereby designated in his place.

[2] The Scheme of Delegated Functions for the Lead Officer and Chief Parking Adjudicator attached to this report are adopted by the Joint Committee.

[3] With the exception of Item 4(ix) of the Scheme of Delegation attached, the functions conferred upon the Lead Officer shall, except in the case of urgency be exercised by him after consultation with the Joint Committee's Management Board.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

There are no consequences for either the Capital or Revenue budgets.

CONTACT OFFICER

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BACKGROUND DOCUMENTS

Note of the National Parking Adjudication Service Working Party meeting held on
2nd November 1998.

Background notes and minutes of the Interim Management Board.

1.0 BACKGROUND

- 1.1 The agreement for the establishment of the joint arrangements provides for the Joint Committee to delegate to the Lead Officer or an officer, functions they consider appropriate.
- 1.2 The delegated functions to Chief Officers of the Lead Authority have been used as a basis for drafting the attached scheme. However, the Lead Authority's Scheme has been suitably amended to reflect the functions of the Joint Committee and the functions of the officers.
- 1.3 The Scheme is capable of amendment from time to time by the Joint Committee in the light of experience and future service development. It provides for the delegations to the Lead Officer all those matters that would be needed to enable the day to day operations of the service to function efficiently and effectively. Judicial matters are recommended for delegation to the Chief Parking Adjudicator including the appointment under contract of the part-time Parking Adjudicators, in consultation with the Lord Chancellor and the determination of where they shall sit.
- 1.4 Accordingly, the Joint Committee are recommended to designate the Chief Executive of Manchester as the officer to whom functions contained within the Scheme are delegated and, to adopt the attached Scheme of Delegated Functions.
- 1.5 It is recommended that with the exception of Item 4 (X) of the Scheme of Delegation attached, the functions conferred upon the Lead Officer shall, except in the case of urgency be exercised by him after consultation with the Joint Committee's Management Board.

11th February 1999

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
[NPASJC] SCHEME OF DELEGATION TO OFFICERS OF THE
LEAD AUTHORITY AND CHIEF PARKING ADJUDICATOR

Delegation to the Lead Officer:-

1. General

- I. All necessary arrangements for the management of the service including the provision or securing the provision of accommodation and administrative support for the Parking Adjudicators in accordance with the following limitations:-

2. Financial

- I. Acceptance of the lowest tender for the supply of materials, equipment, building and civil engineering works, subject to a limit of £250,000 per contract and the acceptance of other than the lowest tender with the agreement of the NPASJC's Treasurer within that limit.
- II. Authority to agree price increases where a price variation clause has been included in a contract subject to the agreement of the NPASJC's Treasurer.
- III. The assignment of a contract or the approval of the appointment of a sub-contractor.
- IV. The acceptance of the tender of a sub-contractor or supplier for the specialist work or material for which a prime cost sum is included in the main contract sum for building and civil engineering works where:-
 - (a) The prime cost sum included for any item does not exceed £100,000
 - (b) At least four competitive tenders have been invited
 - (c) The tender which it is proposed to accept does not exceed the prime cost sum included in the main contract sum, but a tender exceeding the prime cost sum may be accepted with the concurrence of the NPASJC's Treasurer
- V. Subject to the agreement of the NPASJC's Treasurer:-
 - (a) The writing off of debts which are irrecoverable or losses due to burglaries, break-ins, etc

- (b) The writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment etc
- VI. In consultation with the NPASJC's Treasurer the opening up of petty cash imprest accounts, etc
- VII. Negotiation and agreement of variations in contracts arising out of statutory requirements
- VIII. Determination of ex-gratia claims for damage to, or loss of, personal property subject to the approval of the NPASJC's Treasurer for claims in excess of £1,000
- IX. Disposal of surplus or obsolete equipment, scrap, etc, (except vehicles) to the highest tenderer
- X. To defend all claims made against the NPASJC and the legal recovery of debts due to the NPASJC.
- XI. To give indemnities on behalf of the NPASJC to organisations for the use of their facilities.
- XII. Responsibility for Capital Investment bids for the refurbishment of property, changes in office layout, replacement of lifts, heating, Information Technology and other equipment and plant, etc.

3. Land and Property

- I. Management and use of land, property, accommodation and facilities.
- II. Repair and maintenance of buildings and upkeep of grounds
- III. Temporary closure of premises
- IV. Determination of hours of opening of premises and facilities, including seasonal arrangements and closure during holiday periods.
 - (a) The approval and completion of property transactions on behalf of the NPASJC including the acquisition and disposal of freeholds, the taking and granting of leases, easements, wayleaves, rent reviews, and all other estate management issues.
- VI. VAT
 - (a) Where appropriate, and in consultation with the NPASJC Treasurer, to elect for VAT status on particular land and property

VII. Vandalism

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

4. Miscellaneous

- I. To determine officer attendance on visits
- II. To determine officer and Member attendance at Conferences/Seminars, etc (unless held abroad)
- III. To determine Member attendance on visits in consultation with the Chairman.
- IV. Production of publications, relating to the service provided, or sale or free distribution to the public
- V. To control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations including approval of the issue of all official publicity and official publications
- VI. To arrange for the institution, conduct, prosecution or defence of any claims and/or legal proceedings including the recovery of debts the instruction of Counsel on behalf of the NPASJC relating to the functions of the NPASJC
- VII. To take preliminary steps to protect the rights and interests of the NPASJC
- VIII. To prepare and arrange for the entering into of contracts and the execution of documents on behalf of the NPASJC.
- IX. To carry out any functions conferred on the Lead Officer by virtue of the Standing Orders and Financial Regulations.

5. Human Resources

- I. Assignment of temporary posts which are for a period not exceeding 12 months.
- II. Filling of vacant posts within approved establishments except Adjudicator posts.
- III. Assignment of additional posts at grades up to and including PO2 or equivalent in categories of posts where there is already an agreed job description and a grade fixed for the post.
- IV. Granting acceleration of increments for any staff within their substantive grade for merit and ability.

- V. Determination of requests or recommendations for honoraria, (subject to reporting every honoraria payment made to the NPASJC, gratuities and responsibility allowances.
- VI. The determination of applications for paid and unpaid leave:-
 - (a) For trade union training
 - (b) For health and safety, professional and other service related training
 - (c) For paid leave for an employee to discharge her/his duties of office of President of a Trade Union
 - (d) For personal or domestic reasons
 - (e) For maternity or paternity leave
 - (f) For the use of part or frozen leave entitlement where there are urgent personal or domestic reasons for needing additional paid leave
- VII. Where appropriate, the determination of extensions of payments to employees in relation to sickness.
- VIII. Determination of requests for extensions of service except that of first and second tier officers.
- IX. Determination of casual or essential car users allowances to officers.
- X. Determination of planned overtime for officers above Scale 6
- XI. Determination of the payment of removal expenses, lodging allowances or travelling allowances but in consultation with the Chair of the NPASJC where such payments fall outside the NPASJC's agreed policy.
- XII. Determination of proposals to attend training courses, unless the leave of absence required is for more than 10 days or where expenditure involved is in excess of £3,000, in which cases subject to consultation with the Chair of NPASJC
- XIII. Discipline, suspension and/or dismissal of employees.
- XIV. Determination of applications for early retirement where there would be no financial cost to the NPASJC.
- XV. Authority to assimilate staff on appointment, promotion or regarding where he thinks appropriate within the approved grade having regard to all the circumstances.

6. Support to the Joint Committee

- I. Promotion of the functions generally of the NPASJC including the provision of such administrative support activities required by the Parking Adjudicators and for the efficient discharge of the parking adjudication service.
- II. Arrange for the giving of advice and support to the NPASJC in legal matters
- III. Convening meetings of NPASJC and the Officer Management Board and keep the attendance record of such meetings
- IV. Deal with urgent business of NPASJC other than as provided for under delegation 2 X herein, after consulting the Chairman and / or Deputy Chairman
- V. Record declarations and matters of interest of NPASJC Members, Officers and Parking Adjudicators
- VI. Holding and providing access to NPASJC documents and information in accordance with the provisions of law.

7. Delegation to Chief Parking Adjudicator

- I. In consultation with the Head of Personnel Management of the Lead Authority and with the consent of the Lord Chancellor the filling of the Part-time Parking Adjudicator appointments (under contract), for a period not exceeding 5 years, within the approved establishment. The Chief Parking Adjudicator is to keep the NPASJC informed of such appointments.
- II. The determination of where Parking Adjudicators shall sit.
- III. The allocation of appeal cases to the Parking Adjudicators.
- IV. Promotion of the judicial functions of the NPASJC

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE REPORT FOR RESOLUTION

DATE: 19th January 1999

AGENDA ITEM: Number 5 (d)

SUBJECT: National Parking Adjudication Service
Appointment of Auditor to the Joint Committee

REPORT OF: The Chief Executive, Manchester City Council
On behalf of the Interim Management Board

PURPOSE OF REPORT

To request the Lead Officer to make the necessary arrangements for an Auditor to the Joint Committee to be appointed.

RECOMMENDATIONS

It is recommended that:

- [1] The Lead Officer requests the Audit Commission to appoint an Auditor to the Joint Committee
- [2] When the NPASJC Auditor has been identified, the Lead Officer makes the necessary arrangements in respect of fees and other associated matters.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

Audit fees at present of unknown value will be met from within the revenue budget estimates of the Joint Committee.

CONTACT OFFICER

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

BACKGROUND DOCUMENTS

Local Government Finance Act 1982

1.0 BACKGROUND

- 1.1 The Local Government Finance Act 1982 provides for the Audit Commission to appoint an Auditor for Joint Committees of local authorities. The National Parking Adjudication Service Joint Committee is such a committee under this definition.
- 1.2 The Lead Authority are under discussion with their District Auditor to enable his role to be extended to cover the financial affairs of the Joint Committee. Once these discussions have been concluded and the necessary protocol followed, it is recommended that the Lead Officer is requested to make the necessary arrangements for the Joint Committee's Auditor to be appointed.
- 1.3 Provision has been made within the revenue budget estimates for the Auditor's fees. However, at this stage the costs are not known.

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE REPORT FOR RESOLUTION

DATE: 19th January 1999

AGENDA ITEM: Number 5 (f)

SUBJECT: National Parking Adjudication Service
Appointment of Management Board

REPORT OF: The Chief Executive, Manchester City Council
On behalf of the Interim Management Board

PURPOSE OF REPORT

To appoint the officers to serve on the Joint Committee's Management Board

RECOMMENDATIONS

It is recommended that in addition to the Lead Officer and the DETR Representative, nominees from the following Councils form the Joint Committee's Management Board to serve until the Year 2000 Annual Meeting of the Joint Committee:-

Hampshire County Council
Kent County Council
Birmingham City Council
Winchester City Council
Neath Port Talbot County Borough Council
Manchester City Council

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

There are no consequences for either the Capital or Revenue budgets.

CONTACT OFFICER

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

BACKGROUND DOCUMENTS

Note of the National Parking Adjudication Service Working Party meeting held on 2nd November 1998.

Background notes and minutes of the Interim Management Board.

1.0 BACKGROUND

- 1.1 The Standing Orders provide for the Joint Committee to establish and appoint a Management Board comprising the Lead Officer and other such officers and persons appointed by the Joint Committee to advise it on its functions. In exercising his delegated functions it is proposed the Lead Officer be required to consult with the Management Board.[See Item 5(c) on the Agenda]
- 1.2 In addition to the Lead Officer the agreement provides for a nominee of the DETR to also serve on the Management Board
- 1.3 One of the functions of the management board is to provide a cross section of representatives at the officer level from which detailed matters may be considered in relation to the provision and future direction of the service. The management board would thus provide strategies and service plans and similar types of recommendations for the Joint Committee to consider.
- 1.4 In co-operation with the Department for the Environment, Transport, and the Regions [DETR] a small group of councils have been instrumental in the establishment of the adjudication service for decriminalised parking enforcement. Officers from this group have acted as an interim management board. It is therefore recommended that nominees from these councils serve as the first Management Board for a period up to the year 2000 annual meeting.
- 1.5 It would be for the Management Board to elect from the persons so appointed its own Chair, Deputy Chair, and Secretary.

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 19th February 1999

AGENDA ITEM Number 7

SUBJECT: National Parking Adjudication Service
Budget Estimates 1998/1999 & 1999/2000

REPORT OF: The Chief Executive, Manchester City Council
On behalf of the Interim Management Board

PURPOSE OF REPORT

To establish the budget estimates for the Joint Committee's adjudication service during the years 1998/1999 and 1999/2000

RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Agree to write forward the revenue costs incurred in 1998/1999 by the Lead Authority to year 1999/2000 revenue budget account.
- [ii] Agree to adopt the Revenue Budget estimates for 1998/99 and 1999/2000 as detailed in Appendix 1 to this report.
- [iii] Agree to adopt the Capital Budget estimates for 1998/99 and 1999/2000 as detailed in Appendix 2 of this report, and authorise the Lead Officer to incur expenditure up to the approved amounts as detailed in the report.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

This new service, will in the long term be self financing as a result of contributions made from participating local authorities.

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

In the short term £100k of Supplementary Credit Approvals for 1998/99 and, a further £100k of SCA for 1999/2000 have been agreed by Government.

A loan of up to £250k has been made available from the Manchester City Council Development Fund should this be needed over the first five years of the service.

CONTACT OFFICER

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

BACKGROUND DOCUMENTS

Note of the National Parking Adjudication Service Working Party meeting held on 2nd November 1998

Files containing funding bids to government and associated correspondence.

1.0 BACKGROUND

- 1.1 An assessment has been made of the service take up during 1999/2000 and therefore the Adjudicators, administrative support and accommodation needed. The report deals with the consequential establishment of budgets to meet these needs.

2.0 INTRODUCTION

- 2.1 The adjudication service is to be operated on a self-financing basis with revenue obtained from charges made to participating [SPA] local authorities. There is not likely to be any income during year 1998/99. A prediction has been made of the likely service take up during 1999/2000. The level of budget estimates has been based on this predicted service activity. It is suggested that a contingency sum is established as soon as possible to help manage the peaks and troughs in service activity and therefore costs and provide a cushion for unforeseen expenditure.
- 2.2 Elsewhere on the agenda are details of the items to which major items of expenditure relate. These items have been included in the attached appendices.
- 2.3 Manchester City Council in the interim period before formally taking up the role of Lead Authority has incurred expenditure on items such as Leading Council opinions, recruitment of Chief Parking Adjudicator, accommodation, etc. Such costs are estimated at £22,000 and are not applicable to the capital account. Manchester's City Treasurer has agreed that these costs may be written forward to year 1999/2000 when the service will be receiving income, thus avoiding the need to take up the option of borrowing from the Development Fund. A recommendation regarding this has been proposed.
- 2.4 Appendix 1 details the proposed Revenue budgets, the Joint Committee are recommended to adopt these estimates.
- 2.5 Appendix 2 details the items and expected related expenditure for the 1998/1999 and 1999/2000 Capital Budgets. These are budgets that have already received approval from the Government and provide for estimated expenditure on items that are capable of lasting for more than one year. The Committee is recommended to adopt these estimates and authorise the Lead Officer to proceed with the expenditure on the approved items. The information technology items are recommended for development so that the full amounts available can be taken up and used by phasing the purchase of IT items. This has the effect of accounting for expenditure on IT against both the 1998/1999 & 1999/2000 Capital Budget estimates and utilising all approved monies from the government.

3.0 Comments of the City Treasurer [Manchester]

3.1 Capital spend and SCA's – For the purposes of funding, we can only charge against a SCA actual payments made to contractors where the cheque date is 31st March or earlier. Although we can bring Capital creditors into our accounts they cannot be met from SCA's. The advice that I have received is that our auditors would require a revised SCA approval letter from GONW which splits the approved SCA between the two years to match the actual spend.

3.2 Accordingly, a letter has been sent on 10th February 1999 to GONW asking for the SCA for 1998/1999 & 1999/2000 to be covered jointly over the two years.

Appendix 1

NATIONAL PARKING ADJUDICATION SERVICE - REVENUE BUDGETS

	1998/99 Estimate	1999/2000 Estimate
Employees		
Waged costs	0	179,610
Adjudicators costs and Expenses	8,000	70,600
	8,000	250,210
Premises		
	8,000	26,570
Supplies and Services		
	1,000	75,720
Service Management/Central Support		
	5,000	44,720
Repayment of Development Fund Loan		
	0	0
Expenditure Written Forward to 99/00		
	(22,000)	22,000
Gross Expenditure		
	0	419,220
INCOME		
St. Conf Annual Subs-Members (£500)	0	10,500
Adjudication case charge (£10)	0	47,400
PCN's issued (£0.70)	0	331,820
Development Fund Loan	0	29,500
Total Income		
	0	419,220
Net (Surplus) /Deficit		
	0	0

Appendix 2

NATIONAL PARKING ADJUDICATION SERVICE - CAPITAL BUDGETS

	<u>1998/99</u>	<u>1999/2000</u>
	<u>£</u>	<u>£</u>
Furniture & Fittings	18,500	0
Adaptations	55,600	1,900
City Architect's Fees	10,250	0
Computers - IT	15,650	98,100
Total Capital Expenditure	<u>100,000</u>	<u>100,000</u>
FUNDING		
Supplementary Credit Approval	100,000	0
T.P.P. Grant (T.S.G.)	0	100,000
Total Funding	<u>100,000</u>	<u>100,000</u>
Net	<u>0</u>	<u>0</u>

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 19th February, 1999

AGENDA ITEM Number 8

SUBJECT: National Parking Adjudication Service
Charges for Services

REPORT OF: The Chief Executive, Manchester City Council
On behalf of the Interim Management Board

PURPOSE OF REPORT

To establish the charges to be levied from local authorities participating in the Joint Committee's adjudication service during the years 1998/1999 and 1999/2000

RECOMMENDATIONS

It is recommended that:

[i] The Joint Committee adopt one of the options identified in the body of the Report as the basis for charges in support of the service to be made to participating local authorities during the financial years 1998/1999 and 1999/2000.

[ii] The Treasurer in consultation with the Management Board be requested to keep the charges under review and report back to this Committee should there appear to be a variation from the income targets during 1999/2000.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

This new service, will in the long term be self financing as a result of contributions made from participating local authorities.

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

In the short term £100k of Supplementary Credit Approvals for 1998/99 and, a further £100k of SCA for 1999/2000 have been agreed by Government.

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

CONTACT OFFICER

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

BACKGROUND DOCUMENTS

Note of the National Parking Adjudication Service Working Party meeting held on 2nd November 1998

1.0 BACKGROUND

- 1.1 An essential element for a local authority when adopting the decriminalised parking enforcement powers is that there must be in place a means of the motorist appealing to an independent parking adjudicator. The Special Parking Area / Permitted Parking Area authorities are required to fund adjudication as part of their powers.

2.0 INTRODUCTION

- 2.1 The adjudication service is to be operated on a self-financing basis with revenue obtained from charges made to participating [SPA] local authorities. There is not likely to be any income during year 1998/99. A prediction has been made of the likely service take up during 1999/2000. The level of charging has been based on this predicted service activity. Should there be services provided and therefore income during 1998/99 it is suggested that the same level of charges should be made as recommended for year 1999/2000.

- 2.2 The number of appeals that would be referred to the service have been predicted as follows:-

Year	1999/2000	2000/2001	2001/2002
Adjudication cases	4,740	9,900	10,600

- 2.3 An undertaking has been made 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 interim Management Board have been mindful of the need to ensure that the charges are both equitable and not prohibitive to any particular type or size of local authority.
- 2.4 A number of options have been examined by considering the costs and service take up. The factors that were taken into account include:- [a] The need to charge an equitable amount; [b] The size of the Authority and therefore their ability to pay; [c] The need to at least break even and establish a contingency fund as soon as possible; [d] The need to encourage participating authorities to be thorough when considering the motorists' requests for mitigation; [e] a means of participating authorities to predict the amount they will need to provide for in their succeeding years budgets for adjudication and, [f] the need to provide for the variable costs of the service.

3.0 CHARGING OPTIONS

- 3.1 For each option considered it has been possible to avoid levying a "joining fee" as a result of the SCA grants from government. There appear to be three options available to the Joint Committee in order to satisfy the criteria mentioned in paragraph 2.3 above. Each of these options has been calculated to recover the costs of the service and are recommended on the basis of charges each Special Parking Area / Permitted Parking Area Order as follows:-

CHARGE ELEMENT	OPTION 1	OPTION 2	OPTION 3
Annual Charge	£0.00	£2000.00	£500.00
Charge per PCN Issued	£0.70 <i>5</i>	£0.60	£0.65 <i>10</i>
Charge per Adjudication Case	£10.00	£10.00	£10.00

Should read:

- 3.2 It is recommended that the Joint Committee adopt one of these options. Payment should be made on the basis of monthly in arrears, except for any annual charge, which should be at the beginning of each financial year [pro-rata from the commencement date of an Authority's SPA order]
- 3.3 The charge per PCN would be the number equivalent to the figure returned to the Home Secretary as part of the statistical returns.
- 3.4 Although not part of a recommendation within this report, the interim management board has considered the issue of authorities who join the Joint Committee later having the benefit of pro rata reduced charges over time that result from economies of scale. One option is to revisit the charges after say five years to examine the need for a rebate type scheme to compensate the early service users. To some extent this issue is overcome by a provision in the Agreement whereby if the service is wound up the assets are divided in proportion to the contribution made by each authority towards the assets.

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE REPORT FOR RESOLUTION

DATE: 19th February, 1999
AGENDA ITEM: Number 9
SUBJECT: ESTABLISHMENT OF STAFF ASSIGNMENT
REPORT OF: The Chief Executive, Manchester City Council
On behalf of the Interim Management Board

PURPOSE OF REPORT

To adopt the recommendations made at the meeting of the Policy and Resources Personnel sub Committee of Manchester City Council on 19TH January 1999 regarding the establishment of the head quarters staff assignment in support of the adjudication service.

RECOMMENDATIONS

It is recommended that:

[i] The joint Committee adopt the recommendations contained in the attached report dated 19th January 1999, to Manchester City Council's Policy and Resources Personnel sub-committee.

[ii] That the process of making the appointments should proceed in line with the need to meet the expected demand for the service as detailed in the report.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

This new service, will in the long term be self financing as a result of contributions made from participating local authorities.

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

In the short term £100k of Supplementary Credit Approvals for 1998/99 and, a further £100k of SCA for 1999/2000 have been agreed by Government.

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

CONTACT OFFICER

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

BACKGROUND DOCUMENTS

Note of the National Parking Adjudication Service Working Party meeting held on
2nd November 1998

1.0 BACKGROUND

- 1.1 At a meeting of the Working Party on 2nd November 1998 it was agreed that arrangements should proceed to establish the staff assignment needed at the service head quarters. The report also recommends the establishment of a number of part-time Parking Adjudicators.

2.0 INTRODUCTION AND RECOMMENDATION

The Joint Committee are recommended to agree to the staff assignment as detailed on the attached report to Manchester City Council's Policy and Resource Personnel Sub-Committee dated 19th January 1999.

**MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION**

PART A

COMMITTEE: Policy and Resources Personnel Sub
Policy and Resources

DATE: 19th January 1999
1st February 1999

SUBJECT: National Parking Adjudication Service Joint Committee
Establishment of Assignment

REPORT OF: The Chief Executive

PURPOSE OF REPORT

To agree the initial staff assignment to be employed by Manchester City Council as lead authority for the National Parking Adjudication Service Joint Committee.

RECOMMENDATIONS

It is recommended that:

[i] The following posts be established within the Chief Executives Department

- a) 1 x Service Director, Grade PO5
- b) 1 x Principal Service Support Officer, Grade PO1/2
- c) 1 x Senior Service Support Officer, Grade SO1
- d) 5 x Support Officers, Grade 3/4
- e) 1 x Secretary, Grade 5

In addition there will be 10 x Part-time Parking Adjudicators, [fee based on £35/hr] who will not be employees but will be engaged under contracts for services.

[ii] The City Solicitor, in consultation with the Service Director and the Head of Personnel Management keep the staff assignment for this service under review to ensure the staffing needs of the service are aligned to the service development.

[iii] It be noted that implementation of the above recommendations are subject to the agreement of the National Parking Adjudication Service Joint Committee.

[iv] Job descriptions be approved by the City Solicitor in consultation with the Head of Personnel Management

[v] Appointments to the Service to be made in accordance with the Recruitment and Selection Code of Practice, except for the part-time parking adjudicator posts where there are additional procedures involving the Lord Chancellor.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

This new service, will be self financing in the long term as a result of contributions made from participating local authorities. Any surpluses or deficits would be corrected by appropriate amendment to the charges levied from the participating local authorities for future years.

In the short term £100k of Supplementary Credit Approvals for 1998/99 have been agreed by Government and a loan of up to £250k has been made available from the Manchester Development Fund. Manchester's contribution to the costs of the Adjudication Service will be met from the decriminalisation of parking receipts.

There is therefore no immediate impact on either the revenue or capital budgets.

CONTACT OFFICER

Susan Orrell City Solicitor

Tel: 234 3087

Bob Tinsley Chief Executives Department

Tel: 234 4084

BACKGROUND DOCUMENTS

[1] Report to September, 1998 Meetings of Policy and Resources, Finance, Highways and Cleansing, and Policy and Resources Personnel (sub) Committees: DECRIMINALISED PARKING ENFORCEMENT – NATIONAL PARKING ADJUDICATION SERVICE

[2] Report to the November, 1998 Policy and Resources Personnel Sub-Committee: National Parking Adjudication Service Joint Committee Establishment of Chief Parking Adjudicator. [Part B]

WARDS AFFECTED

All

IMPLICATIONS FOR KEY COUNCIL POLICIES

Anti-Poverty
No

Equal Opportunities
Yes

Environment
No

Employment
Yes

1.0 BACKGROUND

1.1 In September 1998 the Committee received an update on progress being made towards the adoption of decriminalised parking enforcement powers. Arrangements were agreed for Manchester's involvement in a Joint Committee, with other local authorities, to provide a National Parking Adjudication service and for the City to act as lead authority for the Joint Committee. Financial arrangements for setting up the service which will be self-financing in the long-term, were also agreed. This report sets out staffing proposals for the new service.

1.2 An essential element of adopting the decriminalised parking enforcement powers is that there must be in place a means of the motorist appealing to an independent parking adjudicator. In the absence of an arrangement for parking adjudication being available outside London it is necessary to establish a National Parking Adjudication Service.

1.3 The council's outside London who have decriminalised parking powers have agreed to exercise their adjudication powers jointly through a Joint Committee. Manchester will act as the lead authority in particular for the purposes of employment of staff to provide the adjudication service.

1.4 Other local authorities in England and Wales will become members of the Joint Committee as and when they take up the decriminalised parking enforcement powers.

1.5 The recruitment process for the Chief Parking Adjudicator has commenced in conjunction with the Lord Chancellor's Department and interviews have been arranged for 14th January 1999. The Joint Committee is also expected to meet later on this date and confirm the appointment subject to the consent of the Lord Chancellor.

1.6 It is now necessary to consider the number of part-time Parking Adjudicators and support staff that will be needed to provide the management and administrative functions for the service.

2.0 THE SERVICE DEMAND FORECAST

2.1 There are five local authorities outside London who already have the 1991 Act powers and have been temporarily using the London adjudication arrangements. This temporary arrangement is due to end in 1999 and all five

authorities have indicated their intention to become party to the new national arrangements when they are available.

2.2 There are also a number of authorities in England and Wales who like Manchester wish to take up the 1991 Act powers in the early part of 1999. About 30 authorities are anticipated to take the powers in the next three years. Details have been obtained from local authorities in England and Wales who are known to be interested in adopting the decriminalised parking enforcement powers and therefore will have a need for adjudication. From this information it has been possible to estimate the number of appeals that may be referred to the service. Details are given below.

Year	1999/2000	2000/2001	2001/2002
Adjudication cases	4740	9900	10,600

2.3 The service is therefore, expected to commence in the early part of 1999 and to steadily grow there after. For the purposes of establishing a staffing assignment at this stage the forecast for year 2 [2000/2001] has been used.

3.0 STAFFING REQUIREMENTS

a) JUDICIAL

3.1 At the November 1998 meeting of the Personnel Sub-committee agreement was obtained to the establishment of a full-time Parking Adjudicator who will provide the focus point for the judicial side of the staffing provision. Arrangements are in hand to make the appointment to this post.

b) PART-TIME PARKING ADJUDICATORS

3.2 The London parking appeals service experience shows that a cost effective way of meeting the peaks and troughs of the service is by the employment of a number of part-time parking adjudicators. These adjudicators would be available when needed and be paid on an hourly fee according to the cases referred to them.

3.3 Part of the equation to determine how many part-time adjudicators that will be needed is the proportion of cases where the motorist will elect to be present when their case is being considered. The London experience indicates 30% to be attended by the motorist. It is estimated that in 2000/2001 each part-time adjudicator will deal with approximately 900 cases, including around 300 at which the motorist is present.

3.4 On this basis it is forecast that it would be necessary to appoint 10 part-time parking adjudicators. The process for the appointment of the part-time adjudicators follows the same pattern as detailed for the Chief Parking Adjudicator post. i.e. The 1991 Road Traffic Act places certain restrictions on a person who could be appointed as a Parking Adjudicator. They must be a barrister or solicitor of at least 5 years standing within the meaning of Section 71 of the Courts and Legal Services Act 1990; their appointment is for a maximum period of five years, although they would be eligible for re-appointment; their appointment is subject to the agreement of The Lord Chancellor.

3.5 The Parking Adjudicators would be responsible to the Chief Parking Adjudicator, thus upholding the separation of the judicial side of the service. The fee payment rate recommended has been broadly aligned with those in London and there are no retainer fees payable. When adjudicating on the motorist attended cases, the adjudicators will be required to travel to the hearing centres in participating local authority areas and work during the early evening Monday to Friday or on Saturday mornings.

3.6 As part of the agreement it is necessary to be able to demonstrate to both the Council on Tribunals and The Lord Chancellor's Department that the service will be free from influence from the immediate areas associated with the City Councils' and other participating councils' decriminalised parking enforcement activities. Therefore, the Adjudicators must be free to exercise their judicial freedom and as such would report to the Joint Committee on judicial matters. For employment purposes however, it is recommended that the adjudicators report to the City Solicitor.

c) SUPPORT STAFF

THE SERVICE DIRECTOR

3.7 It is also necessary to provide financial and other administrative support to the Adjudicator. Thus, there is a requirement for a Service Director.

3.8 This post will be the main point of contact for the participating local authorities, and other bodies outside the adjudication service. As such the post holder is likely to be in contact with people of very senior level. The grading of the post has been aligned to that of other posts in the City Council and therefore a grade of PO5 is recommended. The post holder can be expected to travel around England and Wales during the course of their duties and therefore an essential car user allowance should also be provided.

OTHER SUPPORT STAFF

3.9 The Chief Parking Adjudicator and the Service Director will both require secretarial support. It is recognised that a case could not be made for two such

posts at this stage. It is therefore recommended that one post is established under the Service Director and the post holder shares their time between the Service Director and the Chief Parking Adjudicator.

3.10 A post of Principal Service Support Officer has been recommended as the senior member of the support staff team. In addition to managing the day to day duties of the support staff team this post would be responsible for supporting a library of typical cases, and case records. A Grade of PO1 / 2 is recommended.

3.11 The need for a post of Senior Service Support Officer has been identified. It is expected that this post would only be required from year 2000. This post would be needed in support of the Principal Officer post above and would deal with the preparation work associated with cases involving the more complex issues. A Grade of Scale SO1 is recommended.

3.12 There will be an increasing requirement for Service Support Officers; by year 2000/2001 it has been forecast that five such posts will be needed. The duties associated with these posts are to register the appeal, gather the evidence from the motorists and the local authorities, prepare a case file, and inform them in writing of the adjudicator's decision. Much of this work would be achieved using information technology. Other general office duties will also be involved. A grade of Scale 3/4 has been recommended for these posts and, it is proposed to progressively fill these posts in line with the service demand growth.

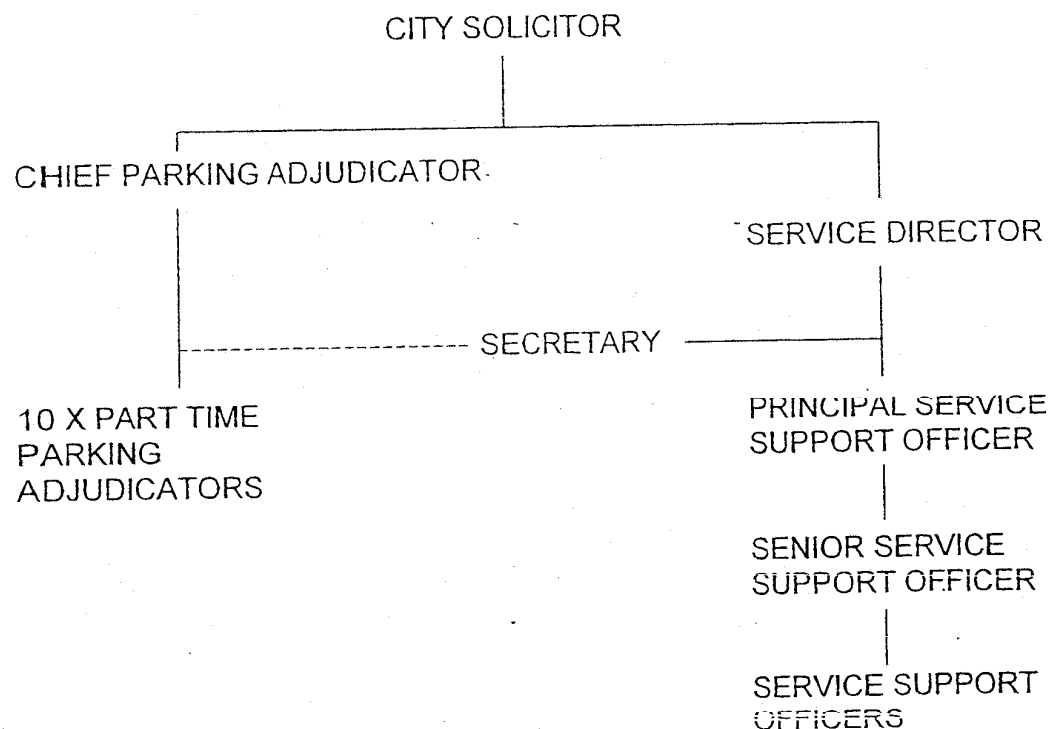
3.13 There will be a need for service support from other areas of the City Council. This can be obtained on a recharge basis and is not therefore included in this report.

4.0 JOB DESCRIPTIONS AND STAFFING STRUCTURE

4.1 It is proposed to establish these posts in the City Solicitor's Division of the Chief Executive's department for employment purposes. The precise reporting arrangements will be clarified in the course of the review of the Chief Executives' department which is currently underway.

4.2 The proposed staffing structure is set out below.

NATIONAL PARKING ADJUDICATION SERVICE - PROPOSED STAFFING STRUCTURE



4.3 The posts recommended to be established, that will be cost neutral to the City Council are given below.

- 1 x Service Director, Grade PO 5
- 1 x Principle Service Support Officer, PO 1 / 2
- 1 x Senior Service Support Officer, SO 1
- 5 x Service Support Officers, Scale 3 / 4
- 1 x Secretary, Scale 5

In addition, 10 x Part-time Parking Adjudicators, [£35/hr] will be engaged under service contracts.

4.4 There is only the experience of adjudication in London, since 1994 and, the more recent experience from the five local authorities outside London on which to base the forecast for this service. The City Solicitor, the Service Director and the Head of Personnel Management will monitor the staffing needs of this new service.

5.0 COMMENTS OF THE HEAD OF PERSONNEL MANAGEMENT

5.1 The proposals contained within this report have been fully discussed with officers from my Grading & Structures team engaged in the development of the National Parking Adjudication Service's staffing structure.

5.2 Discussions have also taken place with the Lord Chancellor's Department [LCD] regarding the National Parking Adjudication Service and the establishment of the Part-time Parking Adjudicator posts in addition to that of Chief Parking Adjudicator post previously agreed by this committee on 10th November 1998. These appointments are judicial appointments and are therefore made by the Lord Chancellor but Manchester City Council will be taking the lead role in the recruitment to these posts. The part-time Parking Adjudicators will operate as a one member tribunal. The proposed remuneration for part-time Parking Adjudicator posts has been aligned to those of similar appointments in London with which I am satisfied.

5.3 The support posts contained in this report have been aligned, as far as possible with existing posts within Manchester City Council. The recruitment to these posts will be undertaken in accordance with the usual recruitment policies and practices.

5.4 I support the proposed staffing structure and gradings and will accordingly agree the job descriptions and person specifications for these posts in consultation with the City Solicitor named within this report.

6.0 COMMENTS OF THE CITY TREASURER

6.1 The Parking Adjudication Service will be self-financing in the long term and as such the effect of approving these posts on the City Council's budget will be neutral. The posts were included in the budget for the adjudication service reported to Finance Committee on 21st September 1998.

IMPLICATIONS FOR KEY COUNCIL POLICIES

Equal Opportunities.

Full regard will be taken to the City Council's Code of Practice on Recruitment and Selection when drawing up the requirements for these posts. There are some extra requirements needed in the appointment process for the Part-time Parking Adjudicators but these are necessary to satisfy legislation and the Lord Chancellor.

Employment.

The establishment of this new service that will be made available to all local authorities in England [outside London] and Wales will bring new jobs to Manchester.

NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE

REPORT FOR RESOLUTION

DATE: 19th February, 1999

AGENDA ITEM Number 10

SUBJECT: National Parking Adjudication Service
Admittance of Other Local Authorities to the Joint Committee

REPORT OF: The Chief Executive, Manchester City Council
On behalf of the Interim Management Board

PURPOSE OF REPORT

To allow arrangements for the admittance of other local authorities to the Joint Committee who have already obtained decriminalised parking powers or who wish to take up the powers in the future.

RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Agree to the local authorities listed in Appendix 1 of this report who already have SPA / PPA Orders joining the Joint Committee and authorise the Lead Officer to make the necessary arrangements.
- [ii] Authorise the Lead Officer, in consultation with the Chairman and Deputy Chairman of the Joint Committee, to agree to and make the necessary arrangements for other local authorities taking up decriminalised parking enforcement powers to join the Joint Committee. Such arrangements to be subject to the local authorities concerned to have obtained the necessary SPA / PPA Order and have satisfied the Secretary of State that they have met all the necessary criteria.
- [iii] That any such agreement for other local authorities to join the Joint Committee shall be made on the existing terms and conditions of the Joint Committee Agreement.

[iv] Request the Lead Officer to provide regular reports to the Joint Committee regarding expressions of interest from other local authorities to joining the Joint Committee and those who have been admitted.

FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS

This new service, will in the long term be self financing as a result of contributions made from participating local authorities.
Any local authorities joining the Joint Committee will contribute towards the costs of the service resulting in economies of scale.

CONTACT OFFICER

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

BACKGROUND DOCUMENTS

Note of the National Parking Adjudication Service Working Party meeting held on 2nd November 1998

National Parking Adjudication Service Joint Committee Agreement

1.0 BACKGROUND

- 1.1 In the lead-in to establishing the national parking adjudication service an assurance was given by officers to DETR that the service would be made available to other local authorities in England and Wales who either have or are intending to take up decriminalised parking enforcement.
- 1.2 There are some local authorities outside London who already have decriminalised parking enforcement Orders. At present they are using the Transport Committee for London [TCfL] arrangement for adjudication purposes. These arrangements with the TCfL are due to end by July 1999. It is therefore, proposed by DETR that the Orders for these authorities are amended prior to July 1999 to give them an Adjudication function and thereby allow them to join the Joint Committee and use the NPASJC service. These authorities are listed in Appendix 1.
- 1.3 There are a number of authorities that are in the process of preparing for decriminalised parking enforcement and they need to be assured that the NPASJC service will also be available to them upon taking up the powers. Similarly, the Secretary of State needs to be assured that there is an appropriate provision for adjudication before granting any new SPA / PPA designation orders.
- 1.4 It is likely that the Joint Committee will only meet on two occasions during the year. DETR are looking for a streamlined means of an authority being able to approach the Joint Committee for confirmation that they would be able to join the Joint Committee and use the adjudication service. Also DETR would want an easy means of checking that the Joint Committee will make the service available to such authorities.
- 1.5 It is proposed to provide a simplified means of enabling local authorities to join the Joint Committee by delegating responsibility for this process to the Lead Officer in consultation with the Chairman and Deputy Chairman. It is further recommended that the Lead Officer provides the Joint Committee with regular reports concerning the authorities that have been admitted to the Joint Committee or are in the process of applying for the decriminalised parking enforcement powers.

APPENDIX 1

List of local authorities who already have decriminalised parking enforcement designation Orders but are not yet members of the Joint Committee.

Buckinghamshire County Council [High Wycombe]
Hertfordshire County Council
Luton Unitary Authority
Maidstone District Council
Oxfordshire County Council [Oxford]
Watford Borough Council

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
REPORT FOR RESOLUTION**

**Public excluded and not for
publication by virtue of
information relating to
contracts - Paragraph 7 to
Schedule 12A. LGA 1972 refers**

DATE: 19th January 1999

AGENDA ITEM: Number 12

SUBJECT: National Parking Adjudication Service
Service Headquarters

REPORT OF: The Chief Executive, Manchester City Council
On behalf of the Interim Management Board

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
REPORT FOR RESOLUTION**

**Public excluded and not
for publication by virtue
of information relating to
contracts - Paragraph 7
to Schedule 12A, LGA
1972 refers**

DATE: 19th February 1999

AGENDA ITEM: Number 13

SUBJECT: National Parking Adjudication Service
Information Technology

REPORT OF: The Chief Executive, Manchester City Council
On behalf of the Interim Management Board

**NATIONAL PARKING ADJUDICATION SERVICE JOINT COMMITTEE
REPORT FOR RESOLUTION**

Public excluded and not for
publication by virtue of
information relating to
Employee matters - Paragraph
1, LGA 1972 refers

DATE: 19th February 1999

AGENDA ITEM: Number 14

SUBJECT: APPOINTMENT OF CHIEF PARKING ADJUDICATOR

**MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION**

PART B

Local Government Act, 1972,
Paragraph 1, Employee matters

COMMITTEE: Policy and Resources Personnel Sub

DATE: 10th November, 1998

SUBJECT: National Parking Adjudication Service Joint Committee
Establishment of Chief Parking Adjudicator

REPORT OF: The Chief Executive

CONTACT OFFICER

Bob Tinsley Chief Executives Department Tel: 234 4084

BACKGROUND DOCUMENTS

Report to September, 1998 Meetings of Policy and Resources, Finance,
Highways and Cleansing, and Policy and Resources Personnel (sub)
Committees: DECRIMINALISED PARKING ENFORCEMENT – NATIONAL
PARKING ADJUDICATION SERVICE

WARDS AFFECTED

All

IMPLICATIONS FOR KEY COUNCIL POLICIES

Anti-Poverty
No

Equal Opportunities
Yes

Environment
No

Employment
Yes