

Leicester  
City Council

WARDS AFFECTED: ALL

HIGHWAYS AND TRANSPORTATION SCRUTINY  
COMMITTEE

21 NOVEMBER 2006

CABINET

27 NOVEMBER 2006

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## NATIONAL PARKING ADJUDICATION SERVICE

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### Report of the Corporate Director Regeneration and Culture

#### 1. Purpose of Report

The City Council is on track to take over responsibility for on-street parking enforcement on 2 January 2007. This report deals with matters to do with the National Parking Adjudication Service.

#### 2. Summary

2.1 The introduction of civil enforcement of parking requires the Council to join the National Parking Adjudication Service, which provides motorists who have been fined (strictly speaking, issued with a Penalty Charge Notice or PCN) with a mechanism to appeal against the Council's decisions in the matter.

#### 3 Recommendations

3.1 The views of Highways and Transportation Committee are sought.

3.1 Cabinet is recommended to:

- Authorise the Service Director (Legal Services) to make the necessary arrangements for the City Council to enter into a National Parking Adjudication Service (NPAS) Joint Committee Agreement.
- Appoint a Cabinet member representative and a substitute Cabinet member to serve on the National Parking Adjudication Service Joint Committee.

#### 4 Financial & Legal Implications

##### ***Financial Implications***

4.1 The Council's share of cost of the National Parking Adjudication Service is funded from a levy imposed on each PCN issued and currently stands at 55p on each PCN.

*Head of Finance: Martin Judson, 19 September 2006*

##### ***Legal Implications***

4.2 The rules governing the membership and operation of the National Parking Adjudication Service are set out in the Road Traffic Act 1991, as amended by the Traffic Management Act 2004. The Council's interests are protected by an agreement to provide parking enforcement services between the Council and Vinci Park Services UK Ltd., dated 13 October 2006.

A Joint Committee has already been established at national level using powers available under Sections 101 and 102 of the Local Government Act, 1972 and Section 20 of the Local Government Act, 2000 together with regulations made under Section 20.

Regulations provide, in effect, that the representative and substitute representative appointed by Cabinet must both be Cabinet members.

*Greg Surtees & Jamie Guazzaroni 20<sup>th</sup> September 2006*

## 5 Report Author

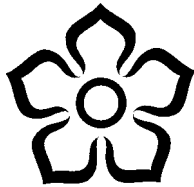
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## DECISION STATUS

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Cabinet



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**Report of the Corporate Director Regeneration and Culture**

**Report**

**1. Background**

- 1.1 At its meeting on 16 May 2005, Cabinet resolved to approve making an application to the Secretary of State for Transport seeking DPE (Decriminalised Parking Enforcement – now known as Civil Enforcement) powers to enable it to take over responsibility from the police for enforcement of parking restrictions in the City. Members were advised that DPE could start in January 2007, and that timetable is still on track.
- 1.2 Under the rules governing Civil Enforcement, there is a process prescribed in law to allow a motorist to appeal against the issue of a PCN.
- 1.3 In the first instance, an informal challenge can be made by a member of the public to the Council against a PCN prior to a notice (letter) seeking payment. A formal representation can also be made to the Council against the PCN once the notice has been served. Suitably trained and authorised officers will be employed to consider each challenge and representation. They will decide on the merits of each one in a timely and professional manner, having followed the prescribed appeals procedure and considered all of the circumstances and evidence. If the circumstances provide genuine grounds for cancellation, then the PCN will be cancelled and the motorist informed. If there are no grounds for cancellation, the motorist will be given the reasons for that decision.
- 1.4 The Department for Transport have told us that elected members or unauthorised staff should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure that in all cases decisions are made by trained staff, and are only based on the facts as presented to them. There must be a clear audit trail of decisions taken and the reasons for those decisions.
- 1.5 Once the Council has rejected a formal representation, the motorist may appeal further to an independent parking adjudicator. The parking adjudicators are provided through the National Parking Adjudication Service and are appointed to provide a fair, consistent and equitable adjudication service for the public and

local authorities in deciding the outcome of a penalty charge notice appeal. The City Council must enter into a National Parking Adjudication Service (NPAS) Joint Committee Agreement and the Service Director (Legal Services) needs to be authorised to enter into such an agreement on behalf of the Council.

- 1.6 It is necessary for the Cabinet to appoint a member representative and substitute member representative to serve on the NPASJC. Regulations provide that these members must be members of Cabinet. Meetings are held twice a year. The report to Cabinet "Implementation of Decriminalised Parking Enforcement" on 16<sup>th</sup> May 2005 described this process. This report recommends that Cabinet now nominate a member and substitute to the NPASJC.

## 2. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	PARAGRAPH REFERENCES WITHIN SUPPORTING PAPERS
Equal Opportunities	YES	2.2.1 Effective enforcement of parking violations will help the Council discharge its duty to promote the equality of opportunity between disabled people and other people, e.g. at raised bus stops.
Policy	NO	
Sustainable and Environmental	NO	
Crime and Disorder	YES	The introduction of civil enforcement will free up Police manpower
Human Rights Act	NO	
Older People on Low Income	NO	

### 3. RISK ASSESSMENT MATRIX

	Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
1	The introduction of Civil Enforcement is delayed	L	L	Formal project management is in place, and external expertise has been employed to seek to minimise the risk of any failure. There has been no slippage since formal approval by Cabinet in 2005.
2	The amount of income is less than forecast	M	L	The level of income earned will be monitored and, if necessary, changes will be made to the planned programme of expenditure.

L - Low  
M - Medium  
H - High

L - Low  
M - Medium  
H - High

### 4. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

- Report to Cabinet - Implementation of Decriminalised Parking Enforcement – 16 May 2005
- Report to Cabinet - On-Street Parking Income and Expenditure 2006/07 – 15 May 2006

### 5. CONSULTATIONS

**Consultee**  
R&C Head of Finance  
RAD Service Director - Legal Services

**Date Consulted**  
19 October 2006  
19 October 2006