

# Bus Lane Adjudication Service Joint Committee

## Agenda

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**Date:** Tuesday, 11th July, 2017  
**Time:** 1.00 pm, or at the rise of the PATROL Adjudication Joint Committee  
**Venue:** The Hoare Memorial Hall, Church House, Dean's Yard, London SW1P 3NZ

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1. **Appointment of Chairman and Vice Chairman**

To appoint a Chairman and Vice Chairman until the next meeting of the Joint Committee.

2. **Apologies for absence**

To receive apologies for absence.

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

4. **Minutes of the meeting held 12th July 2016** (Pages 1 - 8)

To approve the minutes of the Bus Lane Adjudication Service Joint Committee held 12<sup>th</sup> July 2016.

5. **Minutes of the meeting of the Executive Sub Committee held 31st January 2017**  
(Pages 9 - 12)

To note the minutes of the Bus Lane Adjudication Service Joint Committee Executive Sub Committee held 31<sup>st</sup> January 2017.

6. **Chairman's Update**

To provide the Joint Committee with a general update since the last meeting.

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7. **Report of the PATROL and BLASJC Resources Working Group** (Pages 13 - 16)

To report on matters discussed at the PATROL and BLASJC Resources Working Group which met on 21<sup>st</sup> March and 6<sup>th</sup> June 2017.

8. **Draft Annual Return 2016/17** (Pages 17 - 52)

To approve the draft annual return and supporting documentation.

9. **Establishment of Executive Sub Committee** (Pages 53 - 56)

To establish an Executive Sub Committee and appoint members for the period until the annual meeting of the Joint Committee in July 2018.

10. **Appointments to the Advisory Board** (Pages 57 - 62)

To note the new Chair and appointments to the Advisory Board for the period until the annual meeting of the Joint Committee in July 2018.

11. **Risk Management and Business Continuity** (Pages 63 - 70)

To review the Risk Management Strategy and Business Continuity Strategy and note the latest review of the Risk Register.

12. **Review of Governance** (Pages 71 - 122)

To review governance matters and documentation.

13. **Chief Adjudicator's Update**

To receive a report from the Chief Adjudicator.

14. **General Progress and Service Standards** (Pages 123 - 132)

To provide general information in respect of appeals activity and tribunal initiatives.

Minutes of a meeting of the  
**Bus Lane Adjudication Service Joint Committee**  
 held on Tuesday, 12th July, 2016 in The Hoare Memorial Hall, Church House,  
 Dean's Yard, London SW1P 3NZ

## **PRESENT**

Councillor Tony Page (Reading Borough Council) in the Chair

### **Councillors**

Terry Douris	Hertfordshire County Council
Anthony Clarke	Bath and North East Somerset Council
Nigel Cooke	Stockton-on-Tees Borough Council
Malcolm Kennedy L	Liverpool City Council
Alan Kerr	South Tyneside Council
Jamie Macrae	Cheshire East Council

### **Officers in attendance:**

Graham Addicott OBE	Vice Chair Advisory Board
Robin Chantrill-Smith	Thanet District Council
Roy Tunstall	Liverpool City Council
John McEvoy	Carmarthenshire County Council
George Broughton	Cheshire East Council
Caroline Sheppard	Chief Adjudicator
Louise Hutchinson	Director PATROL
Jon Keighren	PATROL
Anna Scarisbrick	PATROL
Andy Diamond	PATROL
Cherry Foreman	Cheshire East Council

## **1 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN**

Consideration was given to the appointment of the Chairman and the Vice-Chairman.

### **RESOLVED**

That the following appointments be made:

Chairman – Councillor Tony Page (Reading Borough Council)  
 Vice-chairman – Councillor Graham Burgess (Hampshire County Council)

## **2 APOLOGIES FOR ABSENCE**

The apologies for absence were reported.

## **3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 MINUTES OF THE MEETING HELD ON 23 JUNE 2015**

**RESOLVED**

That the minutes of the meeting held on 23 June 2015 be approved as a correct record subject to the addition of Councillor Clarke to the list of those present.

**5 MINUTES OF THE MEETING OF THE EXECUTIVE SUB COMMITTEE HELD ON 27 JANUARY 2016**

**RESOLVED**

That the minutes of the meeting held on 27 January 2016 be approved as a correct record.

**6 CHAIRMAN'S UPDATE**

The Chairman reported that since the last meeting there had been two new bus lane councils, these being Warrington and Southampton.

He reported that twenty councils had attended a bus lane conference and users group in London in June the feedback from which had been very positive. The event took a 360 degree view on bus lanes and had included presentations from Transport Focus on the importance of punctuality for passengers, the Traffic Commissioner Beverley Bell on their role with bus operators, an overview of the Traffic Signs Regulations General Directions 2016 and traffic enforcement in Cardiff.

**RESOLVED**

That the update be noted.

**7 REPORT OF THE PATROL AND BLASJC RESOURCES WORKING GROUP**

Consideration was given to a report from the meeting of this Working Group at which the Terms of Reference for both the Sub-Committee and the Working Group had been reviewed. Ongoing matters in the fields of public affairs, human resources and finance had also been considered; these were listed in the report and it was proposed they continue to be overseen by the Resources Working Group and Sub-Committee and that reports be made back to the Joint Committee Executive Sub-Committee in October 2016 and 2017.

With reference to the introduction of the Traffic Signs Regulation and General Directions 2016 it was noted that a number of anomalies had arisen; it was agreed this be the subject of a report to a future meeting of the Sub-Committee and Members were invited to notify the Director of any particular areas of concern. It was also agreed that a presentation on the roll out of FOAM (Fast Online Appeal Management) be given to the Executive Sub-Committee.

## **RESOLVED**

1. That the report on the matters discussed at the meeting on 25 May 2016 be noted.
2. That approval be given to the Terms of Reference for PATROL and BLASJC Resources Working Group as set out in the Appendix of the report.
3. That approval be given for the Resources Sub-Committee and Working Group to oversee the matters highlighted in the report and to report back to the next meeting of the Joint Committees or their Executive Sub-Committees.

## **8 APPOINTMENT OF AUDITORS**

Consideration was given to the appointment of BDO as external auditor for the 2015/16 to 2017/18 accounts. Previously BDO had been appointed to undertake an annual review of the accounts and whilst this was no longer a requirement under the Local Audit and Accountability Act 2014 it was considered that its continuance, along with the review provided by internal audit, would provide assurance to the Joint Committee of the appropriateness of accountancy processes undertaken on their behalf.

## **RESOLVED**

That approval be given to the appointment of BDO as external auditors for the 2015/16 to 2017/18 accounts.

## **9 DRAFT ANNUAL RETURN 2015/16**

Consideration was given to the draft return for 2015/16. The accounting statement had been prepared in accordance with the requirements of the Audit Commissions Small Bodies Annual Return and although that removed the requirement for a full set of accounts a balance sheet and cash flow statement had been provided for information.

The audit had concluded that the majority of controls were operating effectively and a 'Satisfactory Assurance' opinion had been given; recommended actions were detailed for those areas where attention was needed to improve the effectiveness of the controls.

## **RESOLVED**

That:

1. The outturn position against the 2015/16 budget included within the report, at Appendix 1, be noted.
2. The 2015/16 draft Annual Return, shown at Appendix 2 of the report, be approved.
3. The Annual Internal Audit Report, shown at Appendix 3 of the report, be noted.

4. The audit timetable included within the report be approved.
5. The Balance Sheet and Cash Flow Statements, shown at Appendices 4 and 5 of the report, be noted.
6. Approval be given to the surplus of income over expenditure of £311,366 being added to the Bus Lane Adjudication Service Joint Committee's reserves.
7. The recommendation to review the Code of Corporate Governance at the October 2016 meeting to take account the CIPFA (Chartered Institute of Public Finance and Accountancy) publication: "Delivering Good Governance in Local Government Framework – 2016) be noted.

### **10 REVIEWING THE BASIS FOR DEFRAYING EXPENSES 2016/17**

Consideration was given to the report of the Director, in consultation with the PATROL and BLASJC Resources Working Group, on the basis for defraying expenses in 2016/17. The BLASJC agreement provided for the adjudication service to be operated on a self-financing basis with expenses defrayed by member authorities.

#### **RESOLVED**

It was approved that:

1. A reduction from 45 to 40 pence per PCN be the basis for defraying expenses with effect from 1 April 2016 and that there be a further review in October 2016 in the light of six months' income and expenditure for 2016/17.
2. There will be no annual charge, nor cost per case.
3. A cost per case charge in-year be introduced where a council chooses not to engage with the appeal portal once it is available to all councils. This will be preceded by a report to the Joint Committee or its Executive Sub-Committee.
4. Invoicing will be undertaken on a quarterly basis on estimated figures and subsequently adjusted.
5. The decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental costs of making a transcription from the audio recordings of the proceedings at a hearing is charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.

### **11 BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE FINANCIAL REGULATIONS 2016/17**

Consideration was given to a report on the Financial Regulations for 2016/17 which had been reviewed in the light of the Scheme of Local Financial Delegation

approved by the Joint Committees Executive Sub-Committee in October 2015. In accordance with this the Director was required to report any procurement falling outside the financial regulations and these were detailed in the report as follows:

Active Documents, BDO, Cheshire East Council, Clara Net, Emerson Management Services, Forrest, Four Colman Getty, Gardner Systems PLC, Jadu, Log Me In, Morgan Hunt, NABARRO, NB Colour Print, O2, PA Consulting, Pangea Systems, Pitney Bowes, QA Ltd, Resolver, Sarah Perry Recruitment, Senitor Recruitment, Softworks, Sopra, Thomson Reuters, University of Birmingham and Xerox Finance.

### **RESOLVED**

That the Financial Regulations for 2016/17 be approved and matters arising outside of them be noted.

## **12 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEE**

The Committee considered arrangements for the establishment of an Executive Sub-Committee and its Terms of Reference for the coming year. Each council becoming party to the PATROL Adjudication Agreement was required to appoint a member to represent their Council on the Joint Committee and to avoid the need for an increasing number of members to attend all the meetings it was proposed that an Executive Sub-Committee be established.

BLASJC Standing Orders enabled the Joint Committee to appoint such Sub-Committees as it saw fit. It was suggested that functions not currently delegated to officers should form the functions of the Executive Sub-Committee and could be dealt with without the need for the full Committee to meet.

An Appendix to the report detailed the functions considered suitable for the Executive Sub-Committee which it was recommended should comprise a minimum of twelve people including the Chair of the Joint Committee and a least one member each from a District, County, Unitary, and Metropolitan Council, and at least one from an English Authority and one from a Welsh authority.

### **RESOLVED**

That an Executive Sub-Committee be appointed to act on behalf of the Committee until the Annual Meeting in June 2017 in accordance with the Appendix to the report, and that it appoints members of the Executive Sub-Committee including new representatives at the meeting for the forthcoming year.

## **13 APPOINTMENTS TO THE ADVISORY BOARD**

A report was considered setting out the terms of reference for the Advisory Board and recommendations for appointments for 2016/17. The governance arrangements for the Joint Committee provided for the appointment of an Advisory Board comprising the Lead Officer and other such officers and persons appointed by the Joint Committee to advise on its functions.

At its meetings in June 2015 and January 2016 appointments had been made for the period ending at the next Annual Meeting and they were listed in the Appendix to the report.

## **RESOLVED**

That the Terms of Reference and composition of the Advisory Board, set out in the Appendix to the report, be adopted.

### **14 RISK MANAGEMENT AND BUSINESS CONTINUITY**

The Joint Committee considered the Risk Management Strategy and the Business Continuity Management Policy and was requested to review the updated Risk Register.

## **RESOLVED**

That

1. The Risk Management Strategy, shown at Appendix 1 of the report, be approved.
2. The updated Risk Register, shown at Appendix 2 of the report, be noted.
3. The Business Continuity Management Policy, shown at Appendix 3 of the report, be approved.
4. That the intention to commission a review of business continuity matters as part of the internal audit work for 2016/17 be noted.

### **15 REVIEW OF GOVERNANCE**

The governance documentation was considered and reviewed by the Joint Committee, this included the PATROL Adjudication Agreement, the Service Level Agreement with the Host/Lead Authority, Schemes of Delegation and the Memorandum of Understanding between the Adjudicators and the Joint Committee. It was reported that the annual review of the documentation had been undertaken and as a result there had been some factual updates which were now reported.

## **RESOLVED**

That:

1. The variation in the Bus Lane Adjudication Service Joint Committee Agreement dated 3 December 2014, and the variation to the Standing Orders, shown at Appendix 1 of the report, be approved.
2. The Service Level Agreement between the Joint Committee and the Host /Lead Authority, shown at Appendix 2 of the report, be noted.
3. The Schemes of Delegation to the Chief Adjudicator and Director, shown at Appendix 3 and 4 of the report, be noted.
4. The updated Memorandum of Understanding between the Adjudicators and the Joint Committee, shown at Appendix 5 of the report, be approved.



5. Persons be appointed to fulfil the function of the Proper Officer under the relevant regulations.
6. That meetings be held on the following dates be noted.

18 October 2016  
31 January 2017  
11 July 2017

### 16 CHIEF ADJUDICATOR'S UPDATE

Consideration was given to a report tabled at the meeting on the appointments and retirements of Adjudicators. Appointments were made for a period of five years and were subject to the consent of the Chancellor; a brief background to some of the changes was given.

It was reported that as appeal numbers increased it was necessary to maintain adjudicator capacity. It was anticipated that by the end of August the majority of the large councils would be on line with smaller councils by the end of the year.

An update was given on the recent trial in Windsor and Maidenhead of applying a discount to the penalty in the event of an appeal not being made. Whilst this could be accommodated by the system it was considered it needed to be monitored carefully and it was agreed this be the subject of a report to future meeting.

#### RESOLVED

1. That the appointment or reappointment of the Adjudicators shown in Appendix 1 of the report, initially until 2020, be noted as

Parking Adjudicator for England under the provisions of Regulation 17(1) and (5) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. By virtue of this appointment the adjudicators also have jurisdiction to determine appeals under Regulation 12 of the Road User Charging (Penalty Charges, Adjudication and Enforcement) England Regulations 2013.

Traffic Adjudicator for Wales under Regulation 16 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013.

2. That the retirement of those adjudicators named in Appendix 1 of the report be noted, and the thanks of the Joint Committee be extended to them for their services to the Traffic Penalty Tribunal.

### 17 GENERAL PROGRESS AND SERVICE STANDARDS

The Joint Committee considered an update on the management of appeals and the continuing roll out of the online appeal management system to local authorities for which there was an approved a technology reserve for 2016/17 for its continued development. Recognising the importance of liaison with the

respondent authorities the new role of Authority Engagement Manager had been created and was now supporting the rollout of the system to local authorities.

Following the development and evaluation of a prototype a new Fast Online Appeal Management system (FOAM) had been developed for appellants, authorities, adjudicators and administrators. Feedback from appellants suggested they were finding the system intuitive and were supported by email prompts to track the progress of their case. Development was continuing to include the ability to handle witness statements, reviews and costs and increased reporting functionality. Information on appeals activity was circulated at the meeting.

An accelerated roll out programme was underway with training workshops being delivered around the country; an Appendix to the report listed the authorities already using FOAM, and the roll out plan.

### **RESOLVED**

1. That information about the introduction of online appeal management and progress on the roll out of the new system set out in Appendix 1 of the report, be noted.
2. Information about appeals activity (Appendix 2 of the report) be noted.
3. To note the intention to ask the Joint Committee at its meeting in July 2017 to approve a performance framework which reflects the nature of online working once this has been made available to all local authorities and all appeals are managed within a single case management system.

The meeting commenced at 1.30 pm and concluded at 1.50 pm

Minutes of a meeting of the  
**Bus Lane Adjudication Service Joint Committee**  
 held on Tuesday, 31st January, 2017 at The Bishop Partridge Hall, Church  
 House, Dean's Yard, Westminster, London SW1P 3NZ

**PRESENT**

Councillor Graham Burgess (Hampshire County Council) Vice Chair in the Chair

**Councillors**

Terry Douris	Hertfordshire District Council
Anthony Clarke	BATHNES
Nigel Cooke	Stockton on Tees Borough Council

**Officers in attendance**

Kathryn Eldridge	Chair of the Advisory Board (BNES)
Graham Addicott OBE	Vice-Chair of the Advisory Board
George Broughton	Cheshire East Council
John McEvoy	Carmarthenshire County Council
Caroline Sheppard	Chief Adjudicator
Iain Worrall	Traffic Penalty Tribunal
Louise Hutchinson	Director PATROL
Andy Diamond	PATROL
Cherry Foreman	Cheshire East Council

**31 APOLOGIES FOR ABSENCE**

The apologies for absence were noted.

**32 DECLARATION OF INTEREST**

There were no declarations of interest.

**33 MINUTES OF THE MEETING HELD ON 18 OCTOBER 2016**

**RESOLVED**

That the minutes of the meeting held on 18 October 2016 be approved as a correct record.

**34 CHAIR'S UPDATE**

The Chairman reported that since the last meeting Blackburn with Darwin Borough Council had started using the bus lane adjudication service.

**RESOLVED**

That the update be noted.

**35 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE**

Consideration was given to a report of the above meetings held on 10 January and a resume was given of the resolutions made. With reference to the submission to the Transport Select Committee Inquiry into urban congestion the Joint Committee was advised that two hearings had now been held and following the meeting members would be circulated with the electronic link to the details.

**RESOLVED**

That the report be noted and approval given to the Resources Sub-Committee and Working Group overseeing the matters set out in the report, and any previously approved, and that a report be made back to the July meetings of the Joint Committee.

**36 CHIEF ADJUDICATOR'S UPDATE**

The Chief Adjudicator reported on a presentation given to the All Party Parliamentary Group on Alternative Dispute Resolution and FOAM. All authorities would be on the system by the end of March after which the next major phase of development would be to streamline the witness statement process.

**RESOLVED**

That the update be noted.

**37 BUDGET MONITORING 2016/17**

Consideration was given to the income and expenditure monitoring report at 30 November 2016, and to the projected outturn for 2017/17. The Tribunal was operated on a self-financing basis with income obtained by defraying expenses between the BLASJC member authorities. The revenue budget estimates had, therefore, been established on the basis that this would reflect the councils who were already members of the BLASJC.

It was reported there had been an overachievement of income in the first eight months of 2016/17 giving a favourable variance of £64,345 which amounted to 22%. This was due to the volume of PCNs issued being greater than forecast and new councils joining the scheme. The recharge to PATROL was favourable to the budget by 10%, there was an overall surplus of £91,872 for the period and the forecast outturn was for an overall surplus of £51,545.

**RESOLVED**

That the income, expenditure and reserves position for the period to 30 November 2016, and the projected outturn for 31 March 2017, be noted.

**38 SERVICE LEVEL AGREEMENT BETWEEN THE JOINT COMMITTEES AND CHESHIRE EAST COUNCIL**

Consideration was given to the Service Level Agreement (SLA) with Cheshire East Council (CEC) for 2017/18. A review of the services had been undertaken by CEC with the assumption of an inflationary increase of 1.2% being applied to all elements of the 2016/17 charge apart from the retainer of £10,000 resulting in a total charge of £50,000.

This being the last year of the existing five year SLA it was agreed that the Resources Working Group oversee a review of the Host Authority SLA, due to terminate on 31 March 2018, and that the results be presented to the next meeting of the Joint Committee this coming July.

**RESOLVED**

1. That the variations to the SLA for 2017/18 be approved and that CEC be reimbursed for its services.
2. That the Resources Working Group oversee a review of the Host Authority SLA and a report on the outcome be considered at the meeting of the Joint Committee in July 2017.

**39 REVENUE BUDGETS FOR 2017/18**

Consideration was given to this report on the budget estimates for 2017/18. An assessment has been made of the likely service take up during that time and of the adjudicators, administrative support and accommodation needed.

The adjudication service was operated on a self-financing basis with income obtained from contributions from BLASJC member authorities. Both parking and bus lane adjudications were administered and heard by adjudicators, in an integrated fashion to afford an opportunity for cost sharing, further economies of scale and the ability to provide an efficient and effective service. The BLASJC is recharged by the PATROL Adjudication Joint Committee for this purpose.

The recharge mechanism took account of appeals and hearing activity as well as the proportion of PCNs compared to other appeals streams in accordance with the Joint Committee's billing arrangements. The proposed budget was set out in an appendix to the report.

**RESOLVED**

That approval be given to adopt the revenue budget estimates for 2017/18 set in in appendix 1 of the report.

**40 DEFRAYING THE EXPENSES OF THE JOINT COMMITTEE 2017/18**

Consideration was given to the basis for those participating in the Joint Committee to contribute to its expenses during 2017/18. The BLASJC Agreement provided for the adjudication service to be operated on a self financing basis with expenses shared by those participating.

Budgeting took account of the number of new councils that had joined the scheme during 2016/17 but not those forecast to joint in 2017/18. The Resources Working Group and Sub Committee had considered three options of which their recommendation was Option 3, to retain the current rate of 40 pence per PCN, and for there to be a review in July at the half year point.

**RESOLVED**

1. That approval be given to the recommendation of the Resources Working Group and Sub Committee and that Option 3 be adopted.
2. That there be no annual charge or cost per case payable.
3. That invoicing be undertaken on a quarterly basis on estimated figures and subsequently adjusted to actual figures at the September and March points.
4. It be noted that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental costs of making a transcription from the audio recordings of the proceedings at a hearing is charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.

### **41 RISK REGISTER**

Members were asked to consider the latest review of the risk register which had been reviewed in accordance with the Risk Management Strategy, and the further actions to be taken as set out in the appendix.

#### **RESOLVED**

That the risk register be noted.

### **42 GENERAL PROGRESS AND SERVICE STANDARDS**

Consideration was given to the general progress report and appeals summary for the period 1 April 2016 to 30 November 2016. Comparison with the same period last year showed that bus lane appeals had increased by 6.8% whilst parking appeals had decreased by 5.4%. Overall the total number of appeals had increased by 48% as a result of road user charging appeals at the Dartford Crossing.

With regard to hearing types there was a continuing increase in the use of the electronic and on line methods systems. An update was given on FOAM and its roll out, which was nearing completion, and on the ongoing training and support being provided. Examples of the positive feedback received on the assistance being given by way of training, mentoring and Freephone guidance were included in the report.

#### **RESOLVED**

That the report be received.

### **43 DATE OF NEXT MEETING**

#### **RESOLVED**

That the next meeting be held on 11 July 2017 at Church House, London.

**PATROL AND BUS LANE ADJUDICATION JOINT COMMITTEES**

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<b>Date of Meeting:</b>	11 <sup>th</sup> July 2017
<b>Report of:</b>	The Director on behalf of the Resources Working Group and Sub Committee
<b>Subject/Title:</b>	Report of the PATROL and BLASJC Resources Working Group and Sub Committee meeting held 21 <sup>st</sup> March and 6 <sup>th</sup> June 2017.

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**1.0 Report Summary**

- 1.1 To report on the Resources Sub Committee and Working Group meeting held 21<sup>st</sup> and 6<sup>th</sup> June 2017.

**2.0 Recommendations**

- 2.1 To note the matters taken forward by the Resources Sub Committee and Working Group meetings on 21<sup>st</sup> March and 6<sup>th</sup> June 2017.
- 2.2 To approve the Resources Sub Committee and Working Group overseeing matters highlighted in the report and any previously approved with reports being made to the Executive Sub Committee and the Joint Committee in July 2018.

**3.0 Reasons for Recommendations**

- 3.1 To update the Joint Committee Executive

**4.0 Financial Implications**

- 4.1 The Resources Sub Committee and Working Group considers financial papers before they are presented to the Joint Committee or its Executive Sub Committee.

**5.0 Legal Implications**

- 5.1 None

**6.0 Risk Management**

- 6.1 The Resources Sub Committee and Working Group considers risk management papers before they are presented to the Joint Committee or its Executive Sub Committee.

**7.0 Background and Options**

- 7.1 The Resources Working Group and Sub Committee is underpinned by a Terms of Reference (Appendix 1)
- 7.2 At its meetings in 2017 in addition to the consideration of financial papers prior to issue to the Joint Committee, the following areas have been reported on:

- a) The continuing development of FOAM (Fast Online Appeal Management). This will be the subject of a separate update to the Joint Committee.
- b) Raising the profile of PATROL and the Traffic Penalty Tribunal. The tribunal has hosted a large number of judicial visits during 2016/17 to look at the potential for digital working in their jurisdiction. FOAM has attracted a number of awards including the "Excellence in Technology" award at the Northern Transport Awards 2016 and the "Intelligent Parking" Award at the British Parking Awards together with being shortlisted for the "Exceptional Customer Service" Award. The House of Commons reception on 11<sup>th</sup> July 2017 is reported separately.
- c) The review of the PATROL website – This will be presented to the Joint Committee
- d) Changes arising from the general election and directly elected mayors. Contact will be made in respect of the latter to understand their potential role in enforcement.
- e) Developing the evidence base of seeking the remaining powers of Part 6 of the Traffic Management Act 2004. Bus lane authorities have responded to a survey expressing interest in these powers, this engagement will be widened to parking authorities who may be interested in moving traffic powers without undertaking bus lane enforcement.
- f) Exploring the use of ANPR (automatic number plate recognition) in council owned car parks. A symposium of Parking Managers was convened earlier in the year which established the benefits of ANPR for customer connectivity. ANPR can be used in council car parks, except for enforcement purposes.
- g) Clean Air Zones and Littering from Vehicles. These matters are reported separately to the Joint Committee.
- h) A National Surveillance Camera Strategy for England and Wales, details of which were circulated to all Parking and Bus Lane Managers.

7.3 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and any previously approved and report back to the Executive Sub Committee and the annual meeting in July 2018.

### **8.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson  
Designation: Director  
Tel No: 01625 445566  
Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)



## PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

### Resources Working Group and Sub Committee

#### DRAFT Terms of Reference 2017/18

#### Membership:

Chairs, Vice Chairs, Assistant Chairs of PATROLAJC and BLASJC supported by a Resources Working Group to include: Chair and Vice Chair of Advisory Board, Director, Chief Adjudicator and such additional representatives that may assist the Working Group and Sub Committee.

#### Meetings:

As and when required.

#### Delegation

Delegation of the following functions from the PATROL Joint Committee or Executive Sub Committee to the PATROLAJC Resources Working Group and Sub Committee.

- (a) Any financial or governance matter that the Joint Committee or its Executive Sub Committee determines to delegate to the Resources Working Group to take forward between meetings in so far as this does not contravene existing standing orders and governance arrangements and falls within the approved budget.
- (b) Progressing any urgent financial or governance matter including risk items relating to audit recommendations which fall between Joint Committee or its Executive Meetings as raised by the Chairman or Director on the basis that this falls within the approved budget.
- (c) Accepting tenders for the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract on the basis that they fall within the approved budget or relate to earmarked reserves.
- (d) Noting the recommendations from low level internal audit reports and monitoring any follow up actions
- (e) Noting reports from the Director on expenditure falling outside the Joint Committee's Financial Regulations.
- (f) Approving human resource proposals which fall outside the delegation from the Joint Committee and Lead Authority to the Director save for those relating to Adjudicators which are delegated to the Chief Adjudicator on the basis that they fall within the approved budget.

#### Review

These terms of reference will be presented to the Joint Committee meeting in June 2015 and subsequently reviewed on an annual basis.

Approved June 2015

Approved July 2016

Submitted for review July 2017

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**BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

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**Date of Meeting:** 11<sup>th</sup> July 2017  
**Report of:** The Lead Officer on behalf of the Advisory Board and in consultation with the Resources Working Group  
**Subject/Title:** Draft Annual Return 2016/17

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**1.0 Report Summary**

1.1 This report presents the draft annual return for the year 2016/17

**2.0 Recommendations**

That the Joint Committee:

- a) Notes the outturn position against the 2016/17 budget included within the report. (Appendix 1)
- b) Approves the surplus of income over expenditure of £107,562 being added to the Joint Committee's reserves.
- c) Determines that the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2017.
- d) Approves the 2016/17 draft Annual Return, balance sheet and cash flow and audit timetable (Appendix 2)
- e) Notes the Annual Internal Audit Report 2016/17 (Appendix 3)
- f) Approves the Code of Corporate Governance (Appendix 4)

**3.0 Reasons for Recommendations**

3.1 To finalise accounts for 2016/17.

**4.0 Financial Implications**

4.1 As outlined in the report

**5.0 Legal Implications**

5.1 None

**6.0 Risk Management**

6.1 None

**7.0 Background and Options**

7.1 This report provides background information relating to the following recommendations:

- a) Notes the outturn position against the 2016/17 budget included within the report. (Appendix 1)
- b) Approves the surplus of income over expenditure of £107,562 being added to the Joint Committee's reserves
- c) Determines that the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2017.
- d) Approves the 2016/17 draft Annual Return, balance sheet and cash flow (Appendix 2)
- e) Notes the Annual Internal Audit Report 2016/17 (Appendix 3)
- f) Notes the audit timetable included within the report.
- g) Approves the Code of Corporate Governance (Appendix 4)

**8.0 Outturn Position against the 2016/17 budget**

**Introduction**

- 8.1 The adjudication service is operated on a self-financing basis with income obtained by defraying expenses amongst member authorities and providing adjudication services to non-member authorities as determined by statute.
- 8.2 At the meeting of Executive Sub-Committee held on 27th January 2016 it was agreed to adopt the revenue budget estimates for 2016/17. The outturn position to 31<sup>st</sup> March 2017 is enclosed at Appendix 1.
- 8.3 The Joint Committee's income is derived from a pre-estimate of the number of penalty charge notices (PCNs) each council will issue. Corrections are

applied at the 6 month and 12 month points once the actual number of PCNs issued is known.

- 8.4 Income was variable to forecast by £92,248 / 21% due to the addition of new enforcement authorities as well as higher than anticipated PCN levels in existing authorities.
- 8.5 Expenditure, which is the recharge to PATROL for adjudication services, is slightly adverse to budget by £5,239/1%.
- 8.6 This resulted in an overall surplus of £107,562 for the financial year 2016/17.
- 8.7 The Joint Committee reviewed the basis for defraying expenses at the January 2017 meeting and agreed a charge of 40 pence per PCN. It was agreed to review this at the July 2017 meeting. The recommendation of the Resources Working Group and Sub Committee is to review this at the October 2017 meeting taking into account the half-year figures for 2017/18.

**9. The Draft Annual Return 2016/17**

- 9.1 The draft annual return for 2016/17 is included at Appendix 2. The statutory requirement for the Joint Committee’s accounts to be externally audited and published was removed however a decision was taken to continue this practice to demonstrate transparency. The accounting statement for 2016/17 has been prepared in accordance with the requirements of the Audit Commission’s Small Bodies Annual Return.
- 9.2 The completion of the return removes the requirement for a full set of accounts however a Balance Sheet and Cash Flow Statement is provided for information at Appendix 4 and 5.
- 9.3 The external audit timetable is as follows:

<b>Stage</b>	<b>2016/17</b>
Display Notice	1-10 <sup>th</sup> July 2017
Draft annual return submitted to BLASJC for approval	11 <sup>th</sup> July 2017
Make records available	12 <sup>th</sup> July to 25 <sup>th</sup> July 2017
Submission of Annual Return and Supporting Documents to external auditor	31 <sup>st</sup> July 2017

**10. Internal Audit Report 2016/17**

- 10.1 Internal audit is provided by the Host Authority. The internal audit report for 2016/17 is included at Appendix 3. There are 8 recommendations and management responses. The number and priority level of recommendations has continued to reduce.

	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>
Low	11	6	3
Med	12	11	7
High	2	2	1
<b>TOTAL</b>	<b>25</b>	<b>19</b>	<b>11</b>

- 10.2 However there are a number of items which have been raised in previous audits which have not or not been fully addressed (these have since been rectified). As a result of this, the overall findings is “Limited Assurance”. Internal Audit advise that their findings are not sufficiently material to warrant inclusion on the draft Annual Return. The internal audit report highlights that a vacancy in the finance team contributed to their findings. However, to provide additional assurance, a mid-year audit assessment will be commissioned with a view to reporting to the Executive Sub Committee at its January meeting. Low level findings are considered by the Resources Working Group and Sub Committee.

**11.0 Code of Corporate Governance**

A copy of the Code of Corporate Governance is enclosed at Appendix 4.

**12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)

## Appendix 1

Bus Lane Outturn 31.03.17				
	Year to Date			
	31.03.17	31.03.17	31.03.17	31.03.17
	Actual	Budget	Var to Budget	Var to Budget
<b>Income</b>				
Bus Lane Income	527,744	435,496	92,248	21.18%
Other Income			0	0.00%
Bank Interest			0	0.00%
<b>Total Income</b>	<b>527,744</b>	<b>435,496</b>	<b>92,248</b>	<b>21.18%</b>
<b>Expenditure:</b>				
Adjudicators				
Staff				
Premises / Accommodation				
Transport				
Supplies and Services	420,182	425,421	5,239	1.23%
IT				
Services Management and Support				
Audit Fees				
Contingency				
<b>Total Expenditure</b>	<b>420,182</b>	<b>425,421</b>	<b>5,239</b>	<b>1.23%</b>
<b>Surplus / (Deficit)</b>	<b>107,562</b>	<b>10,075</b>	<b>97,487</b>	<b>-967.61%</b>



# Appendix 2

## Joint Committees

### Return for the financial year ended 31 March 2017

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The return on pages 2 to 5 is made up of four sections:

- **Sections 1 and 2** are completed by the person nominated by the Joint Committee
- **Section 3** is completed by BDO LLP as the reviewer appointed by the Joint Committee.
- **Section 4** is completed by the Joint Committee's internal audit provider.

#### **Completing your return**

Guidance notes, including a completion checklist, are provided on page 6 and at relevant points in the return. Also our extranet contains useful advice for you to refer to, see below.

Complete all sections highlighted in red. Do not leave any red box blank. Incomplete or incorrect returns require additional work and so may incur additional costs.

Send the return, together with your bank reconciliation as at 31 March 2017, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to us, BDO LLP, by the due date.

We will identify and ask for any additional documents needed for our work. Therefore, unless requested, do not send any original financial records.

Once we have completed our work, the completed return will be returned to the Joint Committee.

It should not be necessary for you to contact us for guidance.

Additional information can be found on our extranet  
(<https://bdoextranet.bdo.co.uk/sites/councils/pages/default.aspx>.)

Section 1 – Governance statement 2016/17

We acknowledge as the members of

Enter name of reporting body here:

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

Our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2017, that:

	Agreed		'Yes'
	Yes	No*	Means that the body:
1 We approved the accounting statements prepared in accordance with the guidance notes within this Return.	✓		Prepared its accounting statements and approved them.
2 We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		Made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge
3 We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with generally accepted good practice that could have a significant financial effect on the ability of the body to conduct its business or on its finances and have reported our financial results to our host authority for inclusion in their accounts.	✓		Has only done what it has the legal power to do and has complied with general accepted good practice
4 We carried out an assessment of the risks facing the body and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		Considered the financial and other risks it faces and has dealt with them properly.
5 We maintained throughout the year an adequate and effective system of internal audit of the body's accounting records and control systems.	✓		Arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of the body.
6 We took appropriated action on all matters raised during the year in reports from internal audit and external reviews.	✓		Responded to matters brought to its attention by internal and external reviewers.
7 We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on the body and where appropriate have included them in the accounting statements.	✓		Disclosed everything it should have about its business activity during the yea including events taking place after the year-end if relevant.

The governance statement is approved by the Joint Committee and recorded as minute reference

MINUTE REFERENCE

Date

Signed by:

Chair

Signed by:

Clerk

\*Note: Please provide explanations on a separate sheet for each 'No' response. Describe how the joint committee will address the weaknesses identified.

## Section 2 – Accounting Statements 2016/17 for

Enter name of reporting body here:

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

	Year ending		Notes and guidance
	31 March 2016 £	31 March 2017 £	
1 Balances brought forward	(24,676)	286,690	Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year.
2 (+) Income from local taxation and/or levy	-	-	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body. Excluding any grants received.
3 (+) Total other receipts	618,521	527,744	Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	-	-	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5 (-) Loan Interest/capital repayments	-	-	Total expenditure or payments of capital and Interest made during the year on the body's borrowings (if any).
6 (-) All other payments	307,155	420,182	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan Interest/capital repayments (line 5).
7 (=) Balances carried forward	286,690	394,252	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8 Total cash and short term investments	345,023	446,228	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation.
9 Total fixed assets plus other long term investments and assets	-	-	The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings	-	-	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB)

I certify that for the year ended 31 March 2017 the accounting statements in the return present fairly the financial position of the Joint Committee and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:



Date

26/06/2017

I confirm that these accounting statements were approved by the Joint Committee on:

and recorded as minute reference:

Signed by Chair of meeting approving these accounting statements:

### Section 3 – External Report 2016/17 Certificate

We present the findings from our review of the return for the year ended 31 March 2017 in respect of:

Enter name of reporting body here:

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

Respective responsibilities of the Joint Committee and the reviewer

The Joint Committee has taken on the responsibility of ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The Joint Committee prepares a return which:

- summarises the accounting records for the year ended 31 March 2017; and
- confirms and provides assurance on various governance matters in accordance with generally accepted good practice

This report has been produced in accordance with the terms of our engagement letter dated [date ] ("the Engagement Letter") and in accordance with the International Standard on Related Services 4400 applicable to agreed-upon-procedures engagements as published by IAASB.

We have performed the following work in respect of the return prepared by the Joint Committee:

- agreed to bank reconciliation to the annual return and the bank statements
- agreed the Annual return figures back to the trial balance
- ensured the trial balance and accounting statements adds up
- agreed the precept to the funding body
- agreed any loans to the PWLB or whoever the loan is with
- checked the comparative figures to the prior year accounts
- undertake an analytical review of the figures and investigated any variances in excess of 10%
- agree that the accounting statements and annual governance statement have been signed and dated as required.
- investigated any NO answers to the Annual Governance Statement
- investigated any NO answers in the Internal auditor report

[No exceptions were found / Apart from the following exceptions, noted below, no exceptions were found.]

We have not subject the information contained in our report to checking or verification procedures except to the extent expressly stated above and this engagement does not constitute an audit or a review and, as such, no assurance is expressed. Had we performed additional procedures, an audit or a review, other matters might have come to light that would have been reported.

You were responsible for determining whether the agreed upon procedures we performed were sufficient for your purposes and we cannot, and do not, make any representations regarding the sufficiency of these procedures for your purposes.

Our report is prepared solely for the confidential use of the joint committee. Our report must not be used for any purpose other than for which it was prepared or be reproduced or referred to in any other document or made available to any third party without the written permission of BDO LLP.

We accept no liability to any other party who is shown or gains access to this report.

Reviewer signature

Section 4 – Annual internal audit report 2016/17 to

Enter name of reporting body here:

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

The Joint Committee's internal audit service provider, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2017.

Internal audit has been carried out in accordance with the Joint Committee's needs and planned coverage.

On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the Joint Committee.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been kept properly throughout the year.	✓		
B. The Joint Committee's financial regulations have been met, payments were approved and VAT was appropriately accounted for.	✓		
C. The Joint Committee assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The annual taxation or levy or funding requirements resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	* ✓		
G. Salaries to employees and allowances to members were paid in accordance with the body approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic and year-end bank account reconciliations were properly carried out.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis, agreed to the cash book, were supported by an adequate audit trail from underlying records, and, where appropriate, debtors and creditors were properly recorded.	* ✓		

For any other risk areas identified by the Joint committee (list and other risk areas below or on separate sheets if needed) adequate controls existed:

\*SEE INTERNAL AUDIT REPORT  
THESE ARE AGREED - ADDITIONAL NOTES PER APPENDIX B OF REPORT.

Name of person who carried out the internal audit:

JOSE GRIFFITHS

Signature of person who carried out the internal audit:

*[Handwritten Signature]*

Date:

26/06/17

\*Note: If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

\*\*Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, internal audit must explain why not (add separate sheets if needed).

Guidance notes on completing the 2016/2017 return

1. Make sure that your return is complete (i.e. no empty red boxes), and is properly signed and dated. Avoid making any amendments to the completed return. But, if this is unavoidable, make sure the amendments are drawn to the attention of and approved by the body, properly initialled and an explanation provided to us. Returns containing unapproved or unexplained amendments will be returned and may incur additional costs.
2. Use the checklist provided below. Use a second pair of eyes, perhaps a member of the committee or the Chair, to review your return for completeness before sending it to us.
3. Do not send us any information not specifically asked for. Doing so is not helpful. However, you must notify us of any change of Clerk, Responsible Financial Officer or Chair.
4. Make sure that the copy of the bank reconciliation or letter confirming the balance held on your behalf which you send with the return covers all your bank balances. If the joint committee holds any short-term investments, note their value on the bank reconciliation. We must be able to agree your bank reconciliation to Box 8 on the Accounting statements. You must provide an explanation for any difference between Box 7 and Box 8.
5. Explain fully significant variances in the accounting statements on page 3. Do not just send in a copy of your detailed accounting records instead of this explanation. We want to know that you understand the reasons for all variances. Include a complete analysis to support your explanation.
6. If we have to review unsolicited information, or receive an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which we will make a charge.
7. Make sure that your accounting statements add up the balance carried forward from the previous year (Box 7 of 2016) equals the balance brought forward in the current year (Box 1 of 2017).
8. Do not complete section 3. We will complete it at the conclusion of our work.

Completion checklist – 'No' answers mean you may not have met requirements		Done?
All sections	All red boxed have been completed?	
	All information has been sent with this return?	
Section 1	For any statement to which the response is 'no', an explanation is provided?	
Section 2	Approval by the body confirmed by the signature of Chair of meeting approving the accounting standards?	
	An explanation of significant variations from last year to this year is provided?	
	Bank reconciliation as at 31 March 2017 agrees to Box 8?	
	An explanation of any difference between Box 7 and Box 8 is provided?	
Section 4	All red boxed completed by internal audit and explanations provided?	





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**PATROL - Bus Lanes**

BALANCE SHEET

As of March 31, 2017

	TOTAL
<b>FIXED ASSET</b>	
<b>Total Fixed Asset</b>	
CASH AT BANK AND IN HAND	
02550 BUS LANE GI Account	0.00
02600 HSBC BANK - 3097 - BUS LANES	446,228.42
<b>Total Cash at bank and in hand</b>	<b>£446,228.42</b>
DEBTORS	
02110 Debtors Control	5,425.85
<b>Total Debtors</b>	<b>£5,425.85</b>
CURRENT ASSETS	
02130 Year End Debtors Adjustment	0.00
02500 Allowance for bad debts	0.00
03120 Other Current Assets	0.00
1200 Undeposited Funds	0.00
<b>Total Current Assets</b>	<b>£0.00</b>
<b>NET CURRENT ASSETS</b>	<b>£451,654.27</b>
CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR	
Trade Creditors	
05100 Creditors Control	57,402.15
<b>Total Trade Creditors</b>	<b>£57,402.15</b>
Current Liabilities	
02120 Parking Suspense	0.00
02150 Debtors Receipt in Advance	0.00
04500 Accruals	0.00
9398 _EXISTING_VAT Suspense	0.00
Suspense Account	0.00
VAT Control	0.00
<b>Total Current Liabilities</b>	<b>£0.00</b>
<b>Total Creditors: amounts falling due within one year</b>	<b>£57,402.15</b>
<b>NET CURRENT ASSETS (LIABILITIES)</b>	<b>£394,252.12</b>
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>	<b>£394,252.12</b>
<b>TOTAL NET ASSETS (LIABILITIES)</b>	<b>£394,252.12</b>
<b>CAPITAL AND RESERVES</b>	
09100 Reserves - Bus Lane	65,582.00
Retained Earnings	221,108.41
Profit for the year	107,561.71
<b>Total Capital and Reserves</b>	<b>£394,252.12</b>

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**Page 33**  
**PATROL - Bus Lanes**

STATEMENT OF CASH FLOWS

April 2016 - March 2017

	TOTAL
<b>OPERATING ACTIVITIES</b>	
Net Income	107,561.71
Adjustments to reconcile Net Income to Net Cash provided by operations:	
02110 Debtors Control	101,738.95
02130 Year End Debtors Adjustment	-112,846.50
03120 Other Current Assets	0.00
1200 Undeposited Funds	0.00
05100 Creditors Control	4,750.92
02120 Parking Suspense	0.00
04500 Accruals	0.00
Suspense Account	0.00
VAT Control	0.00
<b>Total Adjustments to reconcile Net Income to Net Cash provided by operations:</b>	<b>-6,356.63</b>
<b>Net cash provided by operating activities</b>	<b>£101,205.08</b>
NET CASH INCREASE FOR PERIOD	<b>£101,205.08</b>
CASH AT BEGINNING OF PERIOD	345,023.34
CASH AT END OF PERIOD	<b>£446,228.42</b>

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# Appendix 3



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## Internal Audit

### PATROL (Parking and Traffic Regulations Outside London) 2016/17

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**Report Status:** Final

**Report Date:** 22nd June 2017

**Prepared by:** Lucy Nelson

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#### **Distribution List:**

Louise Hutchinson – PATROL, Director

Anna Scarisbrick – PATROL, Central Services Manager

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## 1 Introduction and background

- 1.1 PATROL (Parking and Traffic Regulations Outside London) has been established to enable councils undertaking civil parking enforcement in England and Wales and civil bus lane and moving traffic enforcement in Wales to exercise their functions under:
- section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
  - section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
  - Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).

1.2 These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

1.3 The Bus Lane Adjudication Service Joint Committee (BLASJC) has been established to enable councils in England undertaking civil enforcement of bus lanes to exercise their function under Regulation 11 of The Bus Lane Contraventions (Penalty Charges,

Adjudication and Enforcement) (England) Regulations 2005 (the Bus Lane Regulations).”

1.4 These functions are exercised through BLASJC in accordance with Regulation 12 of the Bus Lane Regulations.

1.5 Under the above legislation and regulations, Councils operating civil traffic enforcement functions are responsible for funding the provision of adjudication. The Councils carry out this function through a Joint Committee. The PATROL and Bus Lanes Adjudication Joint Committees perform this function in accordance with legislation and regulations and the constituent authorities of each Joint Committee defray expenses in such a proportion as the Joint Committees decide.

1.6 The Traffic Penalty Tribunal also provides adjudication in respect of penalties issues for failure to pay the road user charge at the Dartford-Thurrock River Crossing. PATROL has entered into a Memorandum of Understanding with the Secretary of State for Transport in this respect.

1.7 PATROL is classed as a small relevant body in accordance with the Accounts and Audit (England) Regulations 2015, and prior to 2015/16 had to complete a Small Bodies Annual Return (SBAR) summarising their annual activities at the end of each financial year. This requirement was removed for 2015/16 by the Accounts and Audit (England) Regulations 2015; however, the Body has decided to still complete the SBAR as good practice and in the spirit of openness and transparency.

1.8 Cheshire East Council was appointed as the Host Authority to the PATROL Adjudication Joint Committee and Bus Lane Adjudication Joint Committee on 1<sup>st</sup> January 2013. As part of this role, the Council has delivered the Body's Internal Audit service.

1.9 Where reference is made to policies and procedures within this report, these are PATROL'S, not Cheshire East Council's unless specified otherwise.

1.10 We have previously issued a draft report to present our key findings and actions, (reported on an exception basis), to confirm the factual accuracy of the findings and to agree recommended actions. This final report is issued now that the recommended actions, along with responsibilities and timescales have been agreed.

**2 Objectives, scope & methodology**

2.1 In order to complete Section 4 of the 2016/17 SBAR, we had to determine whether the ten stated internal control objectives have been achieved throughout the 2016/17 financial year to a standard adequate to meet the needs of the Body. The control objectives are:

- A. Appropriate accounting records have been kept properly throughout the year
- B. The body's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT appropriately accounted for

- C. The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage this
  - D. The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate
  - E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for
  - F. Petty cash payments were properly supported by receipts, expenditure was approved and VAT appropriately accounted for
  - G. Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied
  - H. Asset and investment registers were complete and accurate and properly maintained
  - I. Periodic and year-end bank account reconciliations were properly carried out
  - J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and where appropriate, debtors and creditors properly recorded
- 2.2 In order to satisfy the above control objectives, we carried out a programme of audit testing on the following areas:

- Assets

- Banking and Cheques
  - Budgetary Control
  - Income
  - Payroll
  - Procurement
  - Purchase Cards
  - Risk Management
- 2.6 In addition to the above, progress against the agreed actions from the 2015/16 SBAR audit has been reviewed as part of the 2016/17 work programme.

### 3 Key Findings

- 3.1 A total of 77 controls have been tested covering all areas detailed in the control objectives on the SBAR. This draft report is intended to highlight the areas where improvements are required, either in the control itself or to improve compliance with the controls.
- 3.2 As a result of the testing, 8 recommended actions have been raised in this report and can be found at **Appendix A**. A significant number of the actions raised relate to non-compliance with the controls the Body has established in its processes and procedures.

3.3 The main areas for improvement are:

- **Control Objective B**
  - o Reviews of contract options (continuation / cessation of) should be documented and evidenced in the Committee Minutes
- **Control Objective C**
  - o Risk Management training should be undertaken for those officers involved in the process
- **Control Objective D**
  - o Budget monitoring should be undertaken on a monthly basis and evidenced as such
- **Control Objective G**

2.3 PATROL does not operate a petty cash/imprest system (Control F on the SBAR). However, they do have a number of purchase cards linked to their bank account. As such a review of processes and controls in operation in relation to the cards was undertaken.

2.4 The separate Joint Committees for PATROL Adjudication Service and Bus Lanes Adjudication Service share the same systems and processes. Therefore, where appropriate, audit work focussed on PATROL and assurance can be drawn from this for Bus Lanes.

2.5 Where sample testing was undertaken, sampling was proportionate to the volume of transactions in relation to the PATROL and Bus Lanes and these included transactions completed throughout the whole of 2016/17 in order to ensure that the findings were as comprehensive and reliable as possible and also capture an accurate reflection of the practices in place. Although reasonable assurance can be drawn from these findings it is never possible to give complete assurance that all issues have been uncovered, as we are unable to test every transaction.

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**4 Audit Conclusion and Opinion**

4.1 The audit has concluded that the majority of 10 control objectives detailed on the 2016/17 SBAR are effectively managed for both the PATROL and Bus Lane Adjudication Joint Committees. **Appendix B** confirms the results of the audit work as it will be entered on the SBAR.

4.2 Testing has identified some inconsistencies in the application of the controls in place and areas for improvement. Implementation of the recommended actions detailed in **Appendix A** will improve the control environment and help ensure the identified risks are mitigated.

4.3 It is acknowledged that the Body did not have a Finance Officer in post between March and June 2016 which has contributed to a number of the findings listed in Appendix A.

4.4 Internal Audit utilises a formal opinion system (see **Appendix C**). Taking into account that a number of the issues identified in this report have also been raised in previous years, the systems and procedures in place to manage the operation of PATROL, the Body has been given a “**Limited Assurance**” opinion:

**Limited Assurance**  
Controls are either not designed to mitigate the risks identified or testing has shown that there are some inconsistencies in the application of controls.

- o The Body should ensure all expense claims are submitted by staff and adjudicators promptly, on a regular basis and are supported by valid receipts
- o Checks carried out by Finance Staff on expense claims should be evidenced

• **Control Objective H**

- o The Body carried out independent sample checks on a number of IT assets, however, it is good practice to carry out and evidence a full annual independent check of all IT assets

• **Control Objective I**

- o Unused bank accounts should be closed
- o Bank account reconciliations should be carried out in line with approved Financial Regulations
- o Bank account authorisations and accesses should be cancelled immediately upon an officer leaving the employment of the Body

3.4 Progress against the agreed actions raised in the 2015/16 audit found that 4 actions (either identical or very similar) to those raised in previous years have been reported on again this year. At this point these issues are not sufficient to warrant inclusion on the Annual Return; however the Body must ensure that these issues are addressed to ensure the risks associated are more effectively managed.

3.5 In addition to the key findings summarised above and detailed in **Appendix A**, 3 findings and associated recommended actions deemed to be “low” priority have been informally reported to the Body.

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**Appendix A – Audit Findings & Recommended Actions**

<b>B: The body's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT appropriately accounted for</b>			
<b>Finding</b>	<b>Implication</b>	<b>Recommended Action</b>	<b>Priority</b>
<p>Budget holders are responsible for managing contracts in their area of responsibility and sample testing confirmed that the Body reviewed a number of their service contracts during 2016/17. In addition, the Director reports exceptions to the Financial Regulations each year at the Annual Joint Committee meeting and quarterly to the Resources Working Group.</p> <p>However, the Body does not maintain a central record of their contracts.</p>	<p>Purchasing arrangements adopted may not provide value for money or prevent waste and fraud. Failure to have a contracts register could inhibit effective timing of re-procurements.</p>	<p>A contracts register should be developed listing all current contracts, values and expiry dates.</p>	<p>Medium</p>
<p><b>1</b></p>			
<p><b>Management Response</b></p> <p><b>Agreed: Yes</b></p> <p><b>Responsibility:</b> The Finance and Central Services Manager</p> <p><b>Target Date:</b> July 2017</p>			
<p>The introduction of a centralised contract register will enhance the existing controls.</p>			

<b>C. The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage this</b>			
<b>Finding</b>	<b>Implication</b>	<b>Recommended Action</b>	<b>Priority</b>
<p>The Risk Management Strategy sets out the following responsibilities;</p> <ul style="list-style-type: none"> <li>• The Joint Committee is responsible for responding to the training requirements of Members and Officers</li> <li>• The Risk Management Group is responsible for responding to training needs on risk awareness and management</li> </ul> <p>The Leadership Team was not fully in place until January 2016, and as such Risk Management training is yet to be</p>	<p>The Body may fail to comprehensively assess the significant risks to achieving its objectives, and may also be unable to effectively review the adequacy of the relevant risk management arrangements.</p>	<p>The Body should assess the risk management training requirements of both the Risk Management Group and staff. Once the requirements are established, appropriate training should be delivered.</p>	<p>Medium</p>
<p><b>2</b></p>			

Appendix A – Audit Findings & Recommended Actions

addressed.		
<b>Management Response</b>		
Agreed: Yes		
Responsibility: Director		
Target Date: December 2017		
An assessment of training need and delivery of training will be undertaken.		

<b>D: The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate</b>			
Finding	Implication	Recommended Action	Priority
<p>Budget holders are required to review their expenditure each month and provide the Finance Officer with confirmation that they have done so. The budget monitoring reports were reviewed as part of the audit, which highlighted the following:</p> <ul style="list-style-type: none"> <li>• April – Jun 2016 were reviewed by budget holders in August;</li> <li>• Aug – Oct 2016 were reviewed by budget holders in November;</li> <li>• The budgets held by the Director were not reviewed in Jan 2017.</li> </ul> <p><i>(This issue was raised in the 2014/15 and 2015/16 audits).</i></p>	<p>Budget monitoring procedures could be ineffective and may result in incorrect accounting records.</p>	<p>Finance should ensure all budget holders are provided with their monthly expenditure promptly after each period end, in order for monthly monitoring to be completed.</p> <p>In addition, budget holders should ensure they review the expenditure promptly and return the documentation to the Finance Officer at the earliest opportunity.</p>	<p>Medium</p>
3			
<b>Management Response</b>			
Agreed: Yes			
Responsibility: The Finance and Central Services Manager			
Target Date: Immediate			
As noted in 4.3 of the introduction to this report, finance staff turnover, recruitment and training caused delays in the first part of 2016/17.			

Appendix A – Audit Findings & Recommended Actions

G: Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied			
Finding	Implication	Recommended Action	Priority
<p>A sample of 6 adjudicator fee claims were selected and checked. The following issues were highlighted:</p> <ul style="list-style-type: none"> <li>• One adjudicator is submitting their monthly fee claims in relation to hearings held 5 – 6 months previously;</li> <li>• A claim submitted for travel without a receipt totalling £33.50 was processed;</li> <li>• 2 instances were noted where the officer checking the form did not evidence the checks carried out.</li> </ul> <p><i>(This issue was raised in the 2015/16 audit).</i></p>	<p>Payroll payments may not be made in accordance with levels of delegated authority and processed without regard to established procedures, which could lead to possible fraud or error.</p>	<p>The Body should revise the “Adjudicators Fee Claim Guidelines” to state that claims for expenses may not be certified if they are not submitted in a timely fashion (to be determined by the Body), and the circumstances under which exceptions will be accepted.</p> <p>The Body also needs to ensure expenses are processed within the relevant accounting year.</p> <p>Expense claims that are not supported by a valid receipt should not be processed (as per the Adjudicators Fee Claim Guidelines).</p> <p>Finance staff should ensure all claims are supported by valid receipts prior to processing for payment. Furthermore, the officer checking the validity of the claims should sign and date the claims as evidence.</p>	<p>Medium</p>
<p><b>Management Response</b>  <b>Agreed: Yes</b></p>			

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**Appendix A – Audit Findings & Recommended Actions**

<b>Responsibility:</b> Finance and Central Services Manager <b>Target Date:</b> July 2017	Adjudicator fee guidelines and associated finance procedures will be updated.
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<b>G: Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied</b>			
<b>Finding</b>	<b>Implication</b>	<b>Recommended Action</b>	<b>Priority</b>
5 A sample of 7 staff expenses was selected and reviewed. One instance was identified whereby a member of staff had purchased a gift for another officer. The purchase of the gift had been approved in advance by the Director in accordance with the Guide to Staff Out of Pocket Expenses 2016/17 'expenditure falling outside the specified guidelines'. However, the expenditure is not considered a staff expense and should have been procured using an alternative method.	Payroll payments may not be made in accordance with levels of delegated authority and processed without regard to established procedures, which could lead to possible fraud or error.	Care should be taken to ensure items of expenditure are procured using the most appropriate method and in accordance with the appropriate policies.	Medium
<b>Management Response</b>			
<b>Agreed:</b> Yes, in part <b>Responsibility:</b> The Finance and Central Services Manager <b>Target Date:</b> July 2017			
The requirements of the existing controls had been followed in this case. Additional controls have been introduced i.e. the Expenses Policy has been amended so that requests for exceptions which are referred in advance for approval to the Director indicate why a purchase card cannot be used.			

<b>H: Asset and investment registers were complete and accurate and properly maintained</b>			
<b>Finding</b>	<b>Implication</b>	<b>Recommended Action</b>	<b>Priority</b>
6 An independent check on a sample of the assets listed on the IT asset register was undertaken in April 2017 in	Assets may not be adequately recorded and safeguarded.	As a minimum, an annual check of all assets listed on the both the IT Asset	Medium

**Appendix A – Audit Findings & Recommended Actions**

<p>response to a recommendation made in the 2014/15 audit. However, sample testing highlighted the following issues:</p> <ul style="list-style-type: none"> <li>• A large LG TV located in the meeting room was not listed on the asset register;</li> <li>• 2 iPhone 5 devices (which had not been assigned to their new users) were not included on the IT Asset register.</li> </ul> <p><i>(Issues relating to the Asset Register were raised in the 2014/15 and 2015/16 audits).</i></p>	<p>Failure to review the asset register on a timely and frequent basis means the Body is unable to validate the accuracy of the register and as such, the Body may not be aware of losses or damages which have been incurred.</p>	<p>and Asset registers should be undertaken and documented as such by an officer independent of the day to day maintenance of the registers. The checks should also ensure that the assets held in the office(s) have been correctly included in the registers (2 way check).</p> <p>Furthermore, the Body should ensure new assets are added to the appropriate register at the earliest opportunity.</p>
<p><b>Management Response</b></p> <p><b>Agreed:</b> Yes</p> <p><b>Responsibility:</b> Finance and Central Services Manager</p> <p><b>Target Date:</b> A check of ALL assets to be taken by July 17. All new assets recorded at earliest opportunity with immediate effect.</p> <p>A check of all remote working assets held by adjudicators was performed. A sample of other IT assets was undertaken. Clarification was sought from Internal Audit in April 2017 to establish whether the sampling element of the asset audit was sufficient. We were advised that it was. A full audit will now be undertaken each year.</p>		

<p><b>i: Periodic and year-end bank account reconciliations were properly carried out</b></p>		
<p><b>Finding</b></p> <p>Delays were noted in the bank reconciliation of parking income. Reconciliations for April 2016, May 2016 and June 2016 were all carried out on 25<sup>th</sup> July 2016.</p> <p>The Financial Regulations 2016/17 state:</p> <p><i>'Bank reconciliation will be undertaken on a monthly basis (within 30 days) and signed by two members of staff in accordance with the Bank Reconciliation Procedure with one signature being that of the Finance Manager.'</i></p>	<p><b>Implication</b></p> <p>Banking processes adopted do not ensure accounting records and underlying accounts are accurate and do not prevent fraud or error.</p>	<p><b>Recommended Action</b></p> <p>Bank account reconciliations should be carried out and signed off promptly in line with the approved 2016/17 Financial Regulations.</p> <p><b>Priority</b></p> <p>Medium</p>
<p><b>Management Response</b></p>		

**Appendix A – Audit Findings & Recommended Actions**

<p><b>Agreed:</b> Yes  <b>Responsibility:</b> Finance and Central Services Manager  <b>Target Date:</b> Immediately                  As noted in 4.3 of the introduction to this report, finance staff turnover, recruitment and training caused delays in the first part of 2016/17. The process was in place for the remainder of 2016/17.</p>
--

<b>I: Periodic and year-end bank account reconciliations were properly carried out</b>			
<b>Finding</b>	<b>Implication</b>	<b>Recommended Action</b>	<b>Priority</b>
<p>The following audit action was raised as part of the 2015/16 review:</p> <p><i>Bank account reconciliation testing highlighting the following issues:</i></p> <ul style="list-style-type: none"> <li><i>An officer left the employment of the Body in June 2015 who was an authorised signatory on the bank account. At the time of the audit review in May 2016, the officer had not been removed from the bank mandate;</i></li> </ul> <p>Testing highlighted that this issues remains outstanding.  <i>(This issue was raised in the 2015/16 audit).</i></p>	<p>Banking processes adopted do not ensure accounting records and underlying accounts are accurate and do not prevent fraud or error.</p>	<p>The Body should ensure bank account authorisations (cheque signatories and online bank account user id's) are cancelled immediately upon an officer leaving the employment of the Body.</p>	<p>High</p>
<b>Management Response</b>			
<p><b>Agreed:</b> Yes  <b>Responsibility:</b> Finance and Central Services Manager  <b>Target Date:</b> Complete</p> <p>This has been rectified.</p>			

## Appendix B – Summary of Audit Results for the 2016/17 Small Bodies Annual Return

Section	Objective	Agreed		
		Yes	No	Not Covered
A	Appropriate accounting records have been kept properly throughout the year	✓		
B	The body's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT appropriately accounted for	✓		
C	The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage this	✓		
D	The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate	✓		
E	Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for	✓		
F	Petty cash payments were properly supported by receipts, expenditure was approved and VAT appropriately accounted for	✓	*	
G	Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied	✓		
H	Asset and investment registers were complete and accurate and properly maintained	✓		
I	Periodic and year-end bank account reconciliations were properly carried out	✓		
J	Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and where appropriate, debtors and creditors properly recorded	✓	**	

\* PATROL does not operate a petty cash/imprest system due to the use of purchase cards; therefore, a review the processes and controls in operation in relation to the cards was undertaken

\*\* The work undertaken by Cheshire East Council Internal Audit provided assurance that controls are operating effectively. However, this assurance is given subject to any findings/actions raised in the forthcoming 2016/17 External Audit.

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**Appendix C – Audit Opinion and Priority Rating for Individual Actions**

**Audit Opinion**

An overall opinion on the control environment will be given on completion of the audit work. This opinion relates **only** to those risks identified or systems tested.

Where the audit opinion given is either limited or no assurance, consideration will be given to including those areas in the Annual Governance Statement.

There are four possible opinions: good assurance, satisfactory assurance, limited assurance, and no assurance.

The following table explains the various assurance levels in terms of the controls in place and how testing has shown them to be operating. It also gives an indication as to the priority rating of recommendations you might expect at each assurance level, although please note this is for guidance only as the final opinion lies at the discretion of the Auditor.

Assurance Level	Explanation
<b>Good Assurance</b>	Controls are in place to mitigate against the risks identified in the terms of Reference. Testing has shown that controls are working effectively and consistently to ensure that key risks are well managed. No high level recommendations have been made although there may be a small number at medium level. Some changes in the control environment may be beneficial to enhance performance and realise best practice.
<b>Satisfactory Assurance</b>	Controls are adequate to address the risks identified in the terms of reference. Testing has shown that there are some inconsistencies in the application of the controls, and attention is needed to improve the effectiveness of these controls. Recommendations will normally be no higher than medium level.
<b>Limited Assurance</b>	Controls are either not designed to mitigate the risks identified in the terms of reference, or testing has shown there to be significant non-application of controls. There are likely to be a number of high priority recommendations and/or a large number at the medium level. Attention is needed to improve the quality and effectiveness of the control environment in order to ensure key risks can be managed well.
<b>No Assurance</b>	There is an absence of controls to mitigate against the risks identified in the terms of reference. The majority of recommendations made are high priority, and key risks are not being properly managed. Urgent attention is required by management to improve the control environment. This area may be considered for inclusion in the organisation's Annual Governance Statement. It may also be appropriate for this area to be included in the sections/directorate Risk Register, and for the action plan to address these fundamental weaknesses to become part of the Service Delivery Plan.

**Appendix C – Audit Opinion and Priority Rating for Individual Actions**

**Priority Rating for Individual Findings**

Every audit finding and supporting recommendation will be rated in line with the criteria shown below. Timescales for necessary actions will be discussed with service managers, but the broad expectations for consideration and implementation are outlined below.

Priority	Explanation		
	Risk	Controls and Testing	Timescale
<b>High</b>	<p>Action is required to mitigate against a risk which is assessed as likely to arise, and having a high impact should it do so.</p> <p>A fundamental risk may involve failure to:</p> <ul style="list-style-type: none"> <li>• Meet key business objectives</li> <li>• Meet statutory objectives</li> <li>• Adhere to Cheshire East policies</li> <li>• Prevent fraud or material error</li> </ul>	<p>Controls to mitigate risks identified in the terms of reference are either absent or poorly designed.</p> <p>Testing has shown that controls are significantly failing to work as intended.</p>	<p>This action needs immediate consideration by management.</p> <p>Implementation of necessary actions may take longer, but an action plan to address the issues should be developed immediately.</p>
<b>Medium</b>	<p>Action is required to mitigate against a risk which is assessed as being likely to arise OR having a significant impact if it should arise.</p>	<p>Controls to mitigate risks identified in the terms of reference are in place.</p> <p>Testing has shown that controls are working as intended, with some minor inconsistency.</p>	<p>This action needs to be considered by management within 3 months.</p> <p>Implementation of necessary actions may take longer, but an action plan to address the issues should be developed within 3 months.</p>
<b>Low</b>	<p>Action is required to mitigate against a risk which is assessed as having a low impact or being unlikely to arise.</p> <p>Implementation of these actions will further strengthen internal control and improve potential for achieving best practice.</p>	<p>Controls to mitigate risks identified in the terms of reference are in place.</p> <p>Testing has shown that the controls are being applied consistently and effectively.</p>	<p>This action needs to be considered by management within 6 months.</p> <p>Implementation of necessary actions may take longer, but an action plan to address the issues should be developed within 6 months.</p>

## PATROL ADJUDICATION AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

### CODE OF CORPORATE GOVERNANCE

#### 1. Background

PATROL been established to enable councils undertaking civil parking enforcement in England and Wales and civil bus lane and moving traffic enforcement in Wales to exercise their functions under:

- a) section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
- b) section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
- c) Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations). These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

The Bus Lane Adjudication Service (BLAS) Joint Committee enables councils undertaking civil bus lane enforcement to exercise their functions under Regulation 12 of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005

#### 2. Primary objectives

The agreed primary objectives of the joint committee are the provision of:

- (i) a fair adjudication service for appellants including visible independence of adjudicators from the Local Authorities in whose areas they are working;
- (ii) consistency of adjudication across the service;
- (iii) a cost effective and equitable adjudication service for all Local Authorities party to the arrangements established pursuant to this deed;
- (iv) flexibility to deal with a wide range of Local Authorities with varying levels of demand for adjudication; and
- (v) such other functions as may be conferred on the joint committee by statute from time to time (which include, at the date of this deed, the arrangements made under the Memorandum of Understanding regarding the Provision of Adjudication Services between the PATROL Joint Committee and the Secretary of State.

### 3. Functions of the PATROLAJC

The functions of the PATROLAJC are:

1. to appoint (re-appoint and dismiss) subject to the Lord Chancellor's consent (and that of the Lord Chief Justice as required) Adjudicators for the purposes of Part 6 of the 2004 Act;
2. to appoint a proper officer and deputy of PATROLAJC;
3. pursuant to the terms of this deed to appoint (and terminate and accept the resignation Of a Lead Authority for the purpose of the arrangements established by this deed;
4. to provide or make arrangements for the provision of accommodation and administrative staff and facilities for the Adjudicators;
5. to determine after consultation with the relevant Participating Authority where the Adjudicators are to sit;
6. to commission and receive an annual report upon the Adjudication Service from the Adjudicators;
7. to make and publish an annual report to the Appropriate National Authority as appropriate on the discharge by the Adjudicators of their functions;
8. to defray all the expenses of the adjudication process and in particular expenses in relation to the remuneration of Adjudicators;
9. to establish and approve annual budgets and receive annual accounts and regular monitoring reports on associated expenditure;
10. to undertake such other functions as are reasonably incidental to the efficient operation of the adjudication process;
11. such other associated functions as Participating Authorities may lawfully arrange for the PATROLAJC to perform as they from time to time consider appropriate, provided that the PATROLAJC agrees to such associated functions .

In summary, the functions exercised by the PATROL Adjudication and Bus Lane Adjudication Service Joint Committees on behalf of their constituent councils are appointing independent adjudicators to the Traffic Penalty Tribunal, providing these adjudicators with administrative staff and accommodation. Its remit in relation to the Traffic Penalty Tribunal as an independent tribunal is limited to these matters. The relationship between the Adjudicators and the Joint Committees is underpinned by a Memorandum of Understanding to this effect.

The Joint Committees also undertake such other associated functions as the participating Authorities may lawfully arrange the Joint Committees to perform as they from time to time consider appropriate.

## 4. Corporate Governance

The PATROL Adjudication Joint Committee (PATROLAJC) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. In discharging this overall responsibility, the PATROLAJC is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

Members and officers are given the opportunity at each meeting to declare pecuniary and non-pecuniary interests

## 5. Principles of good governance

The Joint Committees are classed as small bodies for audit purposes without the requirement to produce a comprehensive annual governance statement however the Joint Committee is committed to proportionate governance and has taken steps to promote transparency through the publishing of externally audited accounts.

The PATROLAJC approach to governance, in so far as it is applicable, is consistent with the principles of the CIPFA/SOLACE Framework *Delivering Good Governance in Local Government 2016* in developing its Code of Corporate Governance. The CIPFA/SOLACE governance framework 'Delivering Good Governance in Local Government' brings together an underlying set of legislative requirements, governance principles and management processes.

- A) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
- B) Ensuring openness and comprehensive stakeholder engagement
- C) Developing the entity's capacity, including the capability of its leadership and the individuals within it.
- D) Managing risks and performance through robust internal control and strong public financial management
- E) Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

The Joint Committees have put in place the following measures to support its governance:

- Joint Committee Agreement
- Membership through Memorandum of Participation
- Service Level Agreement with Host Authority reviewed annually over five-year term.
- Memorandum of Understanding between adjudicators and the Joint Committees
- Standing Orders
- Executive Sub Committees and Working Groups underpinned by Terms of Reference
- Resources Working Group undertakes audit scrutiny role.
- Officer Advisory Board.
- Formal framework of delegation
- Financial Regulations

- Registers of interest and hospitality
- Risk Management Strategy
- Reserve Policy Statement
- Investment Strategy
- Voluntary external audit and publication of accounts
- Publication of agendas, papers and newsletter
- Freedom of Information publication scheme

By adopting the spirit of these principles, the PATROL Adjudication Joint Committee will undertake to:

- i) Keep its governance arrangements under review.
- ii) Annually monitor effectiveness

The Code of Conduct will be reviewed on an annual basis.

**BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

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**Date of Meeting:** 11<sup>th</sup> July 2017  
**Report of:** The Director on behalf of the Advisory Board  
**Subject/Title:** Establishment of Executive Sub-Committee

---

**1.0 Report Summary**

- 1.1 This report sets out arrangements for establishing an Executive Sub-Committee and its Terms of Reference for the coming year.

**2.0 Recommendation**

- 2.1 That the Joint Committee establishes an Executive Sub-Committee to act on behalf of the Committee until the annual meeting in July 2018, in accordance with paragraph 2 and the Appendix to this report, and that it appoints members of the Executive Sub-Committee for the forthcoming year.
- 2.2 To note that the first meeting of the Executive Sub Committee will take place on 31<sup>st</sup> October 2017 in London.

**3.0 Reasons for Recommendations**

- 3.1 To enable the Joint Committee to conduct its business effectively.

**4.0 Financial Implications**

- 4.1 The recommendations reduce expenditure for both the Joint Committee and the participating authorities.

**5.0 Legal Implications**

- 5.1 The Bus Lane Adjudication Service Joint Committee agreement makes provision for the establishment of sub committees.

**6.0 Risk Management**

- 6.1 The recommendations enable the Joint Committee to conduct its business effectively.

**7.0 Background and Options**

- 7.1 Members are aware that as each Council becomes a party to the Bus Lane Adjudication Service Agreement it is required to appoint a Member to represent their Council on the Joint Committee.

- 7.2 As the number of Councils joining the Joint Committee increases, one way of avoiding the need for large numbers of members attending all the committee meetings is to establish an Executive Sub-Committee. The BLASJC Standing Order 9 enables the Joint Committee to appoint such Sub-Committees as it thinks fit.
- 7.3 Any Terms of Reference for such Sub-Committees need to be agreed by the Joint Committee as and when each Sub-Committee is established.
- 7.4 Many of the day to day functions of the Joint Committee have already been delegated to officers. Some of the functions that have not been delegated have been examined and it is considered that if the Joint Committee so decides, an Executive Sub-Committee could deal with most of these non-delegated functions without the need for the full Committee to meet.
- 7.5 In particular there is a requirement in the BLASJC Agreement for the Joint Committee by 31<sup>st</sup> January each year to set a budget of estimated expenditure for the following year and to determine the amount of contribution of member Councils.
- 7.6 The functions recommended by officers for delegation to the Executive Sub-Committee are detailed in the Appendix to this report.
- 7.7 The size of the Executive Sub-Committee is recommended by officers to comprise a minimum of three in number.

### **8.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson  
Designation: Director  
Tel No: 01625 445566  
Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)



## APPENDIX 1

### Terms of Reference for the Executive Sub-Committee

Delegation of the following functions to the BLASJC Executive Sub-Committee:-

#### 1. Financial Matters

- (a) Deciding on the level and proportion BLASJC member Councils shall contribute to the costs and expenses of the adjudication service.
- (b) Establishing and adopting not later than 31st January in each year a budget of estimated expenditure for the ensuing year commencing 1st April and approving accounts for the previous financial year by 30<sup>th</sup> June each year.
- (c) Accepting tenders for the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract.
- (d) All financial matters not delegated to officers under the Joint Committee's Financial Regulations.
- (e) Where appropriate, reviewing the Joint Committee's Reserves Policy Statement and Risk Register.

#### 2. Human Resources

- (a) Approving changes above grade PO6 (SCP49) to the staff assignment, except for Adjudicator appointments.
- (b) Subject to the approval of the Lead Authority to consider applications for early retirement where there would be a financial cost to the BLASJC.

#### 3. Advisory Board

Making additional appointments to or amending existing appointments to the Advisory Board.

#### 4. New Council members to the BLASJC Agreement

Noting new council members.

#### 5. Ad hoc delegations

The Joint Committee may from time to time make specific delegations to the Executive Sub Committee to progress business. The results of such delegations will be reported to the Joint Committee at its next meeting.

The Executive Sub Committee may from time to time delegate actions to the PATROL Adjudication Joint Committee and Bus Lane Adjudication Service Joint Committee Resources Working Group and Sub Committee.

**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES**

---

**Date of Meeting:** 11<sup>th</sup> July 2017

**Report of:** The Lead Officer on behalf of the Advisory Board

**Subject/Title:** Appointments to the Advisory Board

---

**1.0 Report Summary**

- 1.1 This report sets out the terms of reference for the Advisory Board and recommendations for appointments for 2017/18

**2.0 Recommendation**

That the Joint Committees

- 2.1 Adopt the terms of reference and composition of the Advisory Board set out in the Appendix 1.
- 2.2 Note that Marc Samways of Hampshire County Council has been elected Chair of the Advisory Board.
- 2.3 Record their thanks to the outgoing Chair Kathryn Eldridge, formerly of Bath and North East Somerset Council,
- 2.4 Note the re-nomination of independent member Graham Addicott OBE for a period of four years to July 2021.
- 2.5 Approve the nomination of Michael Clarke of Stoke City Council to take up the role of Bus Lane representative on the Advisory Board.

**3.0 Reasons for Recommendations**

- 3.1 Appointments to the Advisory Board are reviewed on an annual basis.

**4.0 Financial Implications**

- 4.1 The budget makes provision for the Advisory Board

**5.0 Legal Implications**

- 5.1 The Joint Committee's governance arrangements make provision for the appointment of an Advisory Board

## **6.0 Risk Management**

- 6.1 The Advisory Board scrutinises the Joint Committee's Risk Management Strategy and associated documentation.

## **7.0 Background and Options**

- 7.1 The Standing Orders provide for the Joint Committee to establish and appoint an Advisory Board comprising the Lead Officer and other such officers and persons appointed by the Joint Committee to advise it on its functions.
- 7.2 The attached Terms of Reference enable an effective and efficient arrangement for matters relating to the PATROLAJC and the Bus Lane Adjudication Service Joint Committee BLASJC
- 7.3 At the meetings held in June and October 2016 the Joint Committee made appointments for the period ending at the next annual meeting, these are detailed in the attached document.
- 7.4 At the meeting held in October 2013, the Joint Committee determined to appoint a representative from the Department for Transport in respect of road user charging enforcement.
- 7.5 The Joint Committee is invited to adopt the terms of reference and make the appointments recommended in the appendix to this report.

## **8.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson  
Designation: Director  
Tel No: 01625 445566  
Email: lhutchinson@patrol-uk.info

**Appendix 1**

**PATROL ADJUDICATION SERVICE  
& BUS LANE ADJUDICATION SERVICE  
ADVISORY BOARD**

**Terms of Reference**

1. To assist and advise the Joint Committees on the overall policies and strategies for administering the adjudication service and on their responsibilities under
  - section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
  - section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
  - Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).

These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

2. The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.
3. To receive and monitor progress against the Performance Management Strategy produced by the Director and to review the service structure, organisation and administration and to scrutinise recommendations for changes before they are put before the Joint Committees.
4. To monitor and review the service revenue budgets and to scrutinise recommendations for changes before they are put before the Joint Committees.
5. To assist and advise the Director on the preparation of an annual service plan
6. The Board shall consist of always the Lead Officer plus up to eleven people:
  - Seven representatives of local authorities as follows:
    - At least one representing an English Authority
    - At least one representing a Welsh Authority
    - At least one representing a District Council

- At least one representing a County Council
  - At least one representing a Unitary or Metropolitan Council
  - At least one representing a Civil Bus Lane Enforcement Council.
- A representative from the Department for Transport (road user charging).
- A representative from a motoring association.
- An independent person with knowledge of judicial or tribunal systems.
- An independent consumer representative

The DfT, WG, Motoring Association and Independent members would act as ex-officio members.

Department for Transport and Welsh Government representatives will be welcomed to attend meetings or provide updates.

The Joint Committees shall make appointments to the Advisory Board based on recommendations received from the Advisory Board. Such appointments are to be for four years but may be subject to reappointment. Except for the Lead Officer, members shall retire on a four-year rotation cycle.

The Advisory Board shall recommend to the Joint Committees representatives of an appropriate motoring organisation and appropriate independent persons who should sit on the Board.

The DfT shall nominate a specific representative for road user charging.

Advisory Board members should not be day-to-day managers of parking services and should where possible include representatives from legal and financial backgrounds as well as those responsible for parking.

The Board shall elect a Chairman, a Vice-Chairman and a Secretary from within the membership of the Board.

Where a representative has been unable to attend three consecutive meetings, the Chair will draw this to the attention of the Board to determine whether an alternative representative be sought.

**Appointments and four-year cycle**

**Local Authority Members**

At the meeting of the PATROL Adjudication Joint Committees have previously approved the following appointments.

**July 2018**

Hampshire	Marc Samways (Chair)	English Shire
Bath and North East Somerset	Vacancy	Bus Lane Council

**July 2019**

Cheshire East Council	George Broughton	Lead Authority
South Lakeland Council	Pat Knowles	English District
Calderdale Council	Ian Hughes	Metropolitan Authority

**July 2020**

Carmarthenshire Council	Stephen Pilliner	Welsh Authority
Brighton & Hove City Council	Paul Nicholls	Unitary Authority

**Welsh Government Member**

This is a matter for the Welsh Government Transport Directorate to decide from time to time. Currently Owen Jones Williams is their representative.

**Department for Transport Member**

This is a matter for the DfT to decide from time to time. Mark Fletcher is their representative in respect of road user charging.

**Independent Member**

The Joint Committee has appointed Graham Addicott OBE, as the independent member for a four-year period ending June 2017.

The Joint Committee has appointed Jo Abbott, formerly of the RAC Foundation to represent the consumer.

**Motoring Organisation Member**

The Advisory Board considers it appropriate that from time to time this appointment should be rotated between the RAC Foundation and the AA Motoring Trust.

**Bus Lane Member**

The Bus Lane Joint Committee position is vacant.

**Recommendations**

That the Joint Committees

- 2.1 Adopt the terms of reference and composition of the Advisory Board set out in the Appendix 1.
- 2.2 Note that Marc Samways of Hampshire County Council has been elected Chair of the Advisory Board.
- 2.3 Record their thanks to the outgoing Chair Kathryn Eldridge, formerly of Bath and North East Somerset Council,
- 2.4 Note the re-nomination of independent member Graham Addicott OBE for a period of four years to July 2021.
- 2.5 Approve the nomination of Michael Clarke of Stoke City Council to take up the role of Bus Lane representative on the Advisory Board.



**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES**

---

<b>Date of Meeting:</b>	11 <sup>th</sup> July 2017
<b>Report of:</b>	The Lead Officer on behalf of the Advisory Board and Resources Working Group and Sub Committee
<b>Subject/Title:</b>	Risk Management Strategy, Risk Register and Business Continuity Management Policy

---

**1.0 Report Summary**

- 1.1 This report asks the Joint Committees to note the risk register at July 2017 and the arrangements for approving the Risk Management Strategy and Business Continuity Management Policy.

**2.0 Recommendations**

- 2.1 That the Joint Committee:

- (i) Notes the updated Risk Register (Appendix 1)
- (ii) Delegates the approval of the revised Risk Management Strategy and Business Continuity Strategy to the Executive Sub Committee.

**3.0 Reasons for Recommendations**

- 3.1 Management of risk and business continuity

**4.0 Financial Implications**

- 4.1 Budget or reserve provision in place

**5.0 Legal Implications**

- 5.1 None

**6.0 Risk Management**

- 6.1 Report forms part of risk management.

**7.0 Background and Options**

- 7.1 The Joint Committee recognises that effective risk management is an important element of a robust corporate governance framework  
The Joint Committee summarises its risk appetite as follows:

***We will avoid risks that threaten our ability to undertake our principal objectives in a way which provides quality and value. We will maintain a sufficient level of reserves to support liquidity and absorb short term fluctuations in income and expenditure beyond our control.***

7.2 The Joint Committee is committed to:

- Developing and maintaining a systematic approach for the identification, evaluation and cost effective control of the risks that threaten the achievement of corporate objectives.
- Ensuring that effective risk management is embedded in the business processes

In order to:

- Ensure that risks to the achievement of the corporate objectives are eliminated or reduced to an acceptable level.
- Ensure other risks to reputation, assets, finances and people are appropriately managed.
- Raise awareness of, and integrate risk management into the culture of the organisation.
- Manage risk in accordance with best practice by identifying roles and responsibilities.
- Maintain effective stewardship of funds and demonstrate good corporate governance.

7.3 As part of the Joint Committee's oversight of risk management and business continuity, the Joint Committee is required to review the Risk Management Strategy and Business Continuity Management Policy on an annual basis and review the updated risk register at each meeting.

7.4 The Joint Committee is asked to delegate the review of the revised Risk Management Strategy and a Business Continuity Strategy to the Executive Sub Committee.

7.5 The Joint Committee is asked to review the updated risk register at Appendix 1.

## **8.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Director

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Appendix 1: RISK REGISTER JULY 2017

Rank	Risk Description	Consequence Description	Risk Impact	Likelihood	Score	Key Controls In Place	Assurances	Response	Previously Reported Status	Current Status	Further Actions to be taken to Manage Risk Better	Lead
1.	Unforeseen significant fluctuations in income and assurance on service charge income	Inability to meet financial obligations	4	2	8	Audit figures and history on which to base forecasts. Reserve policy in place Bad debt policy	Internal & External Audit Reports Committee Reports	Treat			Continued forecasting, budget monitoring and cashflow analysis. Monitor new jurisdictions.	D
2.	Inability of IT to support needs of organisation and technology users (including data protection)	Reduced effectiveness and efficiency for tribunal, councils and appellants.	3	3	9	Robust hosting and support arrangements in place. In-house IT team providing first line support. Registered with the Information Commissioner  Data Sharing Agreements implemented with respondent authorities. Privacy Impact Assessment in Place Frequent reporting of appeal portal development and progress.	Performance Reports IT hardware replacement programme. Technology Reserves in place Feedback from appellants and authorities to inform future development. The tribunal web site and portal explains to the parties how information will be shared.	Treat			Build upon the University of Birmingham research to obtain feedback to enhance the user experience. Refinements and developments continue to the system  Continued project management of development priorities and addressing defects. Review systems in the light of the general Data Protection Regulation (GDPR) which comes into force in 2018.	D
3.	Loss of key members of management and staff	Disruption to operations Management of vacancies	3	3	9	Clearly defined roles with flexibility to provide cover.	Committee Reports	Treat			Temporary resource to support the closure of the legacy system and transition to all appeals and witness statements	D

Appendix 1: RISK REGISTER JULY 2017

		Project and operational targets affected				Documented procedures Arrangements for temporary cover Arrangements in place to extend cover. Resources Sub Committee and Working Group established.				handled through FOAM (Fast Online Appeal Management)	
4	Insufficient adjudicator/ staff resources to meet demand	Inability to meet targets Pressure to reach decisions may result in increased number of judicial reviews	3	2	6	Monitoring of demand and performance Staff recruitment, induction, training and appraisal. Established operating model with proven systems for training and managing new staff. Contingency Planning	Resources Sub Committee and Working Group in place Committee Reports Development of the portal will increase efficiency of the appeals process	Treat		Review capacity and training needs of adjudicators and staff	CA/D
5	Achievement of Key Objectives	Failure to achieve key objectives	3	3	9	Leadership team established focussing on key objectives.	Internal & External Audit Reports Committee Reports Secondment to fill Authority Engagement Manager roll to support the take up and operation of the portal by local	Treat		2016/17 has been a transformational and transition year where resources have been focused on the roll out to achieve results. Lessons from this exercise to be applied to other projects.	CA/D

Appendix 1: RISK REGISTER JULY 2017

							authorities.					
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CA = Chief Adjudicator D - Director

Note 1 The Risk Register is underpinned by the Risk Management Strategy and should be read in conjunction with business continuity planning arrangement

**Risks that have been downgraded in accordance with the Risk Management Strategy following the report to September 2011 Joint Committee**

	Effective Financial and Resource Management including spending within agreed budgets	Financial instability	2	2	4	Historical data on which to base forecasts. Specified role for budget holders in budget monitoring. Recommendations from Internal Audit	Internal & External Audit Reports Committee Reports	Treat			Impact of revisions to budget management Internal Audit Annual Plan for 2011/12.
	Change in government policy	Change in direction for traffic regulations/adjudication	5	1	5	Establishing and maintaining dialogue with relevant government departments, responding to consultation, participation in working groups	Committee Reports	Tolerate			None at this time
	Health and Safety Breach	Risk to welfare of adjudicators, appellant, staff Disruption to tribunal operation	3	1	3	Health and Safety policy in place. Procedures in place for monitoring risk/handling incidents which may be a threat to health and security. Business Continuity Plan in place.	Reporting requirements for Health and Safety Matters	Treat			None at this time

## Appendix 1: RISK REGISTER JULY 2017

## Risk Impact Details

Name		Description
1	Immaterial	Loss of up to £10k; examples include little effect on service delivery; no health and safety impact; no damage to reputation.
2	Minor	Loss of £10k to £50k; examples include minor disruption to effective service delivery i.e. staff in unplanned absence for up to one week; minor injury; no requirement for professional medical treatment; slight damage to reputation.
3	Moderate	Loss of £50k to £250k; examples include delays in effective service delivery i.e. adjustments to work programmes in up to one week or staff long term absence; injury to an individual(s) requiring professional medical treatments; reputation damage is localised and minor.
4	Significant	Loss of £250k to £500k; examples include effective service delivery is disrupted in specific areas of the business; multiple serious injuries requiring professional medical treatment; reputation damage occurs with key stakeholders.
5	Major	Loss of £500k +; examples include effective service delivery is no longer achievable, fatality of staff, visitor or public; reputation damage is irrecoverable i.e. regulatory body intervention.

## Likelihood

Description	Probability	Indicators
5. Highly Probable	> 80%	<input type="checkbox"/> Is expected to occur in most circumstances <input type="checkbox"/> Circumstances frequently encountered – daily/weekly/monthly/annually <input type="checkbox"/> Imminent/near miss
4. Probable/ Likely	60% - 80%	<input type="checkbox"/> Will probably occur in many circumstances <input type="checkbox"/> Circumstances occasionally encountered but not a persistent issue (e.g. once every couple/few years) <input type="checkbox"/> Has happened in the past or elsewhere
3. Possible	40% - 60%	<input type="checkbox"/> Not expected to happen, but is possible (once in 3 or more years) <input type="checkbox"/> Not known in this activity
2. Unlikely	20% - 40%	<input type="checkbox"/> May occur only in exceptional circumstances <input type="checkbox"/> Has rarely / never happened before <input type="checkbox"/> Force majeure
1. Remote	20%	<input type="checkbox"/> The risk will not emerge in any foreseeable circumstance

The evaluation process will highlight the key risks that require urgent attention. However, all the risks need to be considered and action agreed, even if this is to take no action at the current time. The options are either to: Tolerate, Treat, Terminate or Transfer each risk.

- Tolerate the risk (accept it)** – some low scoring risks may be considered as acceptable, but these need to be reviewed on a regular basis to confirm that the circumstances have not changed.
- Treat the risk (reduce by control procedures)** – the risk can be considered acceptable provided the control mechanisms work.

Appendix 1: RISK REGISTER JULY 2017

- **Terminate the risk (cease or modify the method of delivery)** – where risks are unacceptable and control mechanisms will not provide adequate security, the activity or the method of delivery must be modified.
- **Transfer the risk** – through insurance or financial contingency provision.

**MEASUREMENT OF RISK AND REPORTING**

**Risk Matrix**

		Consequence				
		5	4	3	2	1
Likelihood	5	25	20	15	10	5
	4	20	16	12	8	4
	3	15	12	9	6	3
	2	10	8	6	4	2
	1	5	4	3	2	1

**Legend:**  
 Score of 25 equates to **Extreme Risk**: Immediate escalation to Director for urgent consideration by Joint Committee.  
 Scores of 20-15 **High Risk**: Risk to be escalated to the Joint Committee/Executive Sub Committee with mitigating action plan. Risk to be actively managed by Director and Advisory Board.  
 Scores of 12-6 **Medium Risk**: Risk to be captured on Risk Register and progress with mitigation to be tracked by Director and Advisory Board/Joint Committee/Executive Sub Committee.  
 Scores of 5 and below **Low Risk**: Risk to be removed from register and managed within appropriate services.

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**BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

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**Date of Meeting:** 11<sup>th</sup> July 2017  
**Report of:** The Director on behalf of the Resources Working Group and Sub Committee  
**Subject/Title:** Review of Governance Documentation

---

**1.0 Report Summary**

1.1 This report presents governance documentation and arrangements for review.

**2.0 Recommendations**

2.1 That the Joint Committee:

- i) Notes the intention to review the Bus Lane Adjudication Service Joint Committee Agreement dated 3<sup>rd</sup> December 2014. This will be subject to a separate report to this meeting.
- ii) Notes that the Service Level Agreement between the Joint Committee and the Host/Lead Authority (Appendix 1) is currently under review in anticipation of the Host Authority renewing the lease premises in Wilmslow 2018 and agrees that this be taken forward by the Resources Working Group and Sub Committee.
- iii) Note the Schemes of Delegation to the Chief Adjudicator and Director (Appendix 2 and 3) which remain unchanged.
- iv) Approves the updated Memorandum of Understanding between the Adjudicators and the Joint Committee (Appendix 4).
- v) Appoints persons to fulfil the function of the proper officer under the relevant regulations
- vi) Approves the Financial Regulations 2017/18 (Appendix 5)
- vii) Notes the proposed cycle of meetings for 2017/18

31<sup>st</sup> October 2017

30<sup>th</sup> January 2018

10<sup>th</sup> July 2018

**3.0 Reasons for Recommendations**

3.1 To fulfil the governance requirements of the Joint Committee.

#### **4.0 Financial Implications**

- 4.1 Provision is made within the budget for the services provided by the Host/Lead Authority. The Scheme of Delegation to the Director reflects the Joint Committee's Financial Regulations

#### **5.0 Legal Implications**

- 5.1 Set out in the report.

#### **6.0 Risk Management**

- 6.1 The recommendations in this report clarify the governance arrangements for the Joint Committee, the Adjudicators and the Host Authority.

#### **7.0 Background and Options**

- 7.1 In June 2013, the Bus Lane Adjudication Service Joint Committee approved changes to the Joint Committee's agreement including Schedule 6 (Terms of Appointment of the Lead Authority) dated 1 May 2008 which had been reviewed in the light of the appointment of a new Host/Lead Authority from 1 April 2013. The Joint Committee obtained approval from the required 75% of participating councils and the new agreement took effect on 3 December 2014.
- 7.2 An annual review has been undertaken since to establish whether the agreement requires any factual updates. This year it is proposed to undertake a more fundamental review to facilitate the widening jurisdictions requiring adjudication. This will be subject to a separate report.
- 7.3 Schedule 6 of the Bus Lane Adjudication Service Joint Committee agreement makes reference to the development of a non-binding service level agreement (SLA) between the Joint Committee and the Lead Authority. A copy of the existing SLA is presented for information (Appendix 1). It is recommended that consideration of the updated SLA be delegated to the Resources Working Group and Sub Committee.
- 7.5 The Joint Committee is asked to note the Scheme of Delegation to the Chief Adjudicator (Appendix 2) and to the Director (Appendix 3) which remain unchanged.
- 7.6 The Memorandum of Understanding (Appendix 4) between the Adjudicators and the Joint Committees is presented. This document has been updated (at section 4.2) to provide for the forthcoming road user charging appeals at the Mersey Gateway.

#### **8.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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DATED 3rd December 2014

PARKING AND TRAFFIC REGULATIONS OUTSIDE  
LONDON ADJUDICATION JOINT COMMITTEE

and

CHESHIRE EAST COUNCIL

and

BUS LANE ADJUDICATION SERVICE JOINT  
COMMITTEE

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SERVICE LEVEL AGREEMENT

relating to services to be provided to the Parking and  
Traffic Regulations Outside London Adjudication Joint Committee  
and the Bus Lane Adjudication Service Joint Committee

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**SERVICE LEVEL AGREEMENT**

**DATE**

**PARTIES**

- (1) PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE of Springfield House, Water Lane, Wilmslow, Cheshire, SK9 5BG ("PATROLAJC");
- (2) BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE of Springfield House, Water Lane, Wilmslow, Cheshire, SK9 5BG ("BLASJC"); and
- (3) CHESHIRE EAST COUNCIL of Westfields, Middlewich Road, Sandbach, CW11 1HZ (the "Lead Authority").

**RECITALS**

- (A) Local authorities who are enforcement authorities for the purposes of Part 6 of the Traffic Management Act 2004 (the "**2004 Act**") in relation to road traffic contraventions have entered into arrangements for the discharge of functions relating to adjudication and adjudicators conferred on them under section 81 of the 2004 Act and regulations made under the 2004 Act through a joint committee known as PATROLAJC by an agreement dated 3 December 2014 (the "**PATROLAJC Agreement**").
- (B) Local authorities who are approved local authorities for the purposes of section 144 of the Transport Act 2000 (the "**2000 Act**") in relation to bus lane contraventions have entered into arrangements for the discharge of functions relating to adjudication and adjudicators conferred on them under the 2000 Act and regulations made under the 2000 Act through a joint committee known as the Bus Lane Adjudication Service Joint Committee (the "**BLASJC**") by an agreement dated 3 December 2014 (the "**BLASJC Agreement**").
- (C) The functions of the PATROLAJC are as set out in Schedule 3 of the PATROLAJC Agreement and the functions of the BLASJC are as set out in Schedule 3 of the BLASJC Agreement.
- (D) Pursuant to the PATROLAJC Agreement, Cheshire East Council is with effect from 1 April 2013 appointed as the Lead Authority of the PATROLAJC to provide such goods and services as may from time to time be required and pursuant to the BLASJC Agreement, Cheshire East Council is with effect from 1 April 2013 appointed as the Lead Authority of the BLASJC to provide such goods and services as may from time to time be required.
- (E) The PATROLAJC wishes to receive goods and services from Cheshire East Council. The BLASJC wishes the PATROLAJC to procure goods and services from Cheshire East Council on its behalf as from time to time may be required. Cheshire East Council has agreed to provide goods and services to the PATROLAJC and the BLASJC in accordance with the PATROLAJC Agreement and the BLASJC Agreement.

- (F) This SLA is not intended to be legally binding. This SLA has been prepared by the parties in accordance with the provisions of paragraph 3 of Schedule 6 of the PATROLAJC Agreement and paragraph 3 of Schedule 6 of the BLASJC Agreement.

## 1. DEFINITIONS

For the purpose of this SLA, the following terms and expressions shall have the following meanings:

### **"Adjudicators"**

means those persons engaged by the PATROLAJC and/or the BLASJC as adjudicators for the purpose of the independent and impartial tribunal for the determination of appeals made to them;

### **"Advisory Board"**

means the advisory board established pursuant to the PATROLAJC Standing Orders and/or the advisory board established pursuant to the BLASJC Standing Orders;

### **"BLASJC Standing Orders"**

means the standing orders of the BLASJC provided for pursuant to the BLASJC Agreement.

### **"PATROLAJC Standing Orders"**

means the standing orders of the PATROLAJC provided for pursuant to the PATROLAJC Agreement; and

### **"Delegations"**

has the meaning set out in **clause 5.1**;

### **"Financial Regulations"**

means the financial regulations provided for pursuant to the PATROLAJC Agreement and the financial regulations provided for pursuant to the BLASJC Agreement;

### **"Head of Service"**

means the person appointed by the PATROLAJC as the head of service;

### **"Liaison Officer"**

means an officer of the Lead Authority and the person appointed as the representative of the Lead Authority pursuant to **clause 3.2**;

### **"Memorandum of Understanding"**

means the memorandum of understanding entered into between the Adjudicators and the PATROLAJC and the BLASJC dated 21 November 2012, as may be updated from time to time;



**"PATROLAJC's Representative"**

means the person appointed as the representative of the PATROLAJC pursuant to **clause 3.1**;

**"SLA"**

means this service level agreement.

**2. TERM**

This SLA will commence on 1 April 2013 and will expire on 31 March 2018, unless terminated earlier in accordance with **clause 11**. This SLA shall be reviewed on an annual basis in accordance with **clause 7**.

**3. REPRESENTATIVES**

- 3.1 PATROLAJC's representative for the purpose of this SLA shall be the Head of Service or such other person as may be notified from time to time to the Lead Authority.
- 3.2 The Lead Authority's representative for the purpose of this SLA shall be the Liaison Officer, for whom the name and contact details shall be notified from time to time to the PATROLAJC.
- 3.3 The PATROLAJC and the Lead Authority shall ensure that their respective representatives are authorised to take all necessary actions pursuant to this SLA.
- 3.4 The Lead Authority's representative for the purpose of this SLA shall be invited to the meetings of the PATROLAJC and to the meetings of the Advisory Board.

**4. SERVICES**

- 4.1 Without prejudice to the right of the PATROLAJC and the BLASJC from time to time to perform or procure any of the services otherwise than in accordance with this SLA, the Lead Authority will provide the services set out in **Schedule 1** as from time to time may be required by the PATROLAJC and/or the BLASJC in order to support Adjudicators on behalf of the PATROLAJC and the BLASJC and to enable the PATROLAJC and the BLASJC to fulfil its functions.
- 4.2 The Lead Authority acknowledges that the PATROLAJC, the BLASJC and the Adjudicators have entered into the Memorandum of Understanding and that the services provided by the Lead Authority are intended to reflect and strengthen these arrangements.

**5. DELEGATION OF FUNCTIONS**

- 5.1 The parties to this SLA shall work together, acting reasonably, to agree in writing the functions that shall be delegated by the Lead Authority to the Head of Service and the extent to which those functions shall be delegated (the "**Delegations**") before 31 March 2015.

- 5.2 Following the agreement in writing of the Delegations, the PATROLAJC and the BLASJC authorise the Lead Authority to delegate to the Head of Service in accordance with the Delegations.
- 5.3 From the date of this SLA until the Delegations are agreed in writing between the parties, the PATROLAJC and the BLASJC authorise the Lead Authority to delegate to the Head of Service in accordance with any current and approved scheme of delegation and any delegations arising from the Financial Regulations, unless otherwise agreed by the parties.

## 6. COSTS

- 6.1 Pursuant to the PATROLAJC Agreement and the BLASJC Agreement, the Lead Authority is entitled to reimbursement by the participating authorities of costs and expenses properly incurred by it in undertaking its role as Lead Authority.
- 6.2 The estimated cost of providing services pursuant to this SLA in the year from 1 April 2014 to 31 March 2015 is £52,750.00. A breakdown of such total estimated cost is set out in **Schedule 2**. The Lead Authority shall notify the PATROLAJC of the estimated cost of providing services pursuant to this SLA for subsequent years on or before 1 December in the preceding year.
- 6.3 The estimated cost of providing services pursuant to this SLA (as notified in accordance with **clause 6.2**) will be reviewed by the PATROLAJC's Representative and the Liaison Officer as follows:
  - 6.3.1 every six months from 1 April 2014 to 31 March 2015; and
  - 6.3.2 annually thereafter,and adjustments to the estimated cost will be agreed at those review meetings.
- 6.4 Costs payable pursuant to this **clause 7** shall be paid by the PATROLAJC (in respect of services provided to the PATROLAJC and to the BLASJC) to the Lead Authority within 30 days of receipt of an invoice from the Lead Authority to the PATROLAJC.
- 6.5 On or before 1 April in each year, the PATROLAJC and the Lead Authority will agree the frequency of submission of invoices and method of payment of costs for the coming year.
- 6.6 Payments of costs to the Lead Authority by the PATROLAJC is subject to audit of the services provided and costs incurred.

## 7. SERVICE REVIEWS AND SERVICE VARIATIONS

- 7.1 The PATROLAJC's Representative and the Liaison Officer (and such other representatives from the PATROLAJC, the BLASJC and the Lead Authority as they may invite) shall attend regular service review meetings at such frequency and times to be agreed between them to review the scope and nature of services provided pursuant to this SLA, the provision of service by the Lead Authority and working arrangements.
- 7.2 On or before 31 October in each year, the Lead Authority will provide to the PATROLAJC a report summarising the services provided in the previous year in a format to be agreed between the PATROLAJC's Representative and the Liaison Officer.

- 7.3 On or before 31 October in each year, the Lead Authority and the PATROLAJC will undertake an annual review of services to consider whether any variations are required to this SLA (including the services to be provided pursuant to it).
- 7.4 Any proposed variations to this SLA will be presented to the PATROLAJC in the January preceding the financial year to which the SLA applies and will be discussed between the PATROLAJC and the Lead Authority and, if agreed (both parties acting reasonably), implemented in accordance with **clause 9**.

## **8. DISPUTES**

- 8.1 Any dispute relating to this SLA and/or the services provided by the Lead Authority pursuant to this SLA will be dealt with as swiftly as possible and initially between the PATROLAJC's Representative and the Liaison Officer.
- 8.2 If a dispute is not resolved satisfactorily between the PATROLAJC's Representative and the Liaison Officer within 14 days of receipt, it will be escalated to the chair of the Joint Committees' Advisory Board who will make recommendations to the PATROLAJC.

## **9. VARIATIONS**

Any variations to this SLA can only be made with agreement of both the PATROLAJC and the Lead Authority and must be signed by both parties.

## **10. NOT USED**

## **11. TERMINATION**

- 11.1 This SLA will terminate on the earlier of:
- 11.1.1 the date on which the resignation of the Lead Authority takes effect pursuant to the PATROLAJC Agreement; and
- 11.1.2 the date specified in a notice issued by the PATROLAJC to the Lead Authority to terminate this SLA, provided that the PATROLAJC shall provide at least 6 months' notice of termination.

Signed for and on behalf of the PATROLAJC

✓ .....  
(Signature)

.....  
(Date)

Signed for and on behalf of the BLASJC

✓ .....  
(Signature)

.....  
(Date)

Signed for and on behalf of Cheshire East Council:

.....  
(Signature)

.....  
(Date)

## Schedule 1

## Services

	Service
<b>1. LEGAL AND DEMOCRATIC</b>	
1.1	Where required and instructed by the PATROLAJC negotiate and enter into lease(s) on behalf of the PATROLAJC and/or the BLASJC.
1.2	As required, provide legal advice on contract / procurement issues and employment tribunal proceedings.
1.3	On receipt of instructions from the Head of Service, issue engrossed Memorandums of Participation to local authorities who wish to join the PATROLAJC and/or the BLASJC.
1.4	Take minutes for up to four PATROLAJC meetings and up to four BLASJC meetings per annum and provide meeting administration as required.
1.5	Provide meeting administration services for meetings of up to four executive sub-committees of the PATROLAJC and of up to four executive sub-committees of the BLASJC.
1.6	Provide advice on the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Data Protection Act 1998, the Equality Act 2010 and such other legislation as may be relevant to the PATROLAJC and/or the BLASJC.
<b>2. FINANCE</b>	
2.1	Undertake the role of PATROLAJC Treasurer and the BLASJC Treasurer including but not limited to review:
2.1.1	final accounts prepared by the PATROLAJC Finance Team and the BLASJC Finance Team in June each year and sign the BDO Small Bodies External Audit Annual Return;
2.1.2	the Financial Regulations each year;
2.1.3	the Treasury Management statement each year,
	and to provide ad hoc financial advice where so instructed by the PATROLAJC.
2.2	As required, provide procurement advice.
2.3	As required, provide an internal audit service to provide assurance to BDO Small Bodies External Audit.
2.4	Advise on, provide and maintain appropriate insurance as agreed from time to time between the parties to the SLA.

	<b>Service</b>
<b>3. HUMAN RESOURCES</b>	
3.1	Where required, enter into contracts of employment on behalf of the PATROLAJC.
3.2	Provide ad hoc human resources advice and support where required.
3.3	Provide payroll services for salaried staff.
3.4	Provide access to the Lead Authority's IT systems as required by the PATROLAJC for HR purposes.
<b>4. LIAISON OFFICER</b>	
4.1	Identify an officer to act as the Liaison Officer.
4.2	The Liaison Officer will be invited to attend PATROLAJC meetings and meetings of the Advisory Board.
<b>5. SPECIFIC PROJECT WORK</b>	
5.1	Contribute to review of the PATROLAJC Scheme of Delegation and the BLASJC Scheme of Delegation.
5.2	Contribute to review of the PATROLAJC Standing Orders and the BLASJC Standing Orders.
5.3	Contribute to review of governance arrangements to support arm's length nature of the PATROLAJC, the BLASJC and Traffic Penalty Tribunal with a view to supporting business growth.
5.4	Such other projects as may be agreed between the Lead Authority and the PATROLAJC.

## Schedule 2

Schedule of estimated charges for support services provided by the Lead Authority to PATROL for the year from 1 April 2014 to 31 March 2015

Support Service	(£)CHARGE
<p><b>HR Support</b></p> <p>7,650.00</p> <p>1) Ongoing / ad-hoc support on the following areas to be provided to the Head of Service and PATROL management team – primarily provided by telephone/email:</p> <ul style="list-style-type: none"> <li>• Staffing Reductions, Redundancy and Redeployment</li> <li>• Restructuring, including telephone advice and guidance on reviewing organisational structures, design of jobs and job descriptions, job evaluation and gradings</li> <li>• Local advice on national issues</li> <li>• Pay Policies (advice as required)</li> <li>• Advice on Conditions of Service</li> <li>• Advice on Disciplinary, Capability (Performance) and Grievance cases</li> <li>• Dignity at Work (harassment/bullying) cases</li> <li>• Attendance Management</li> <li>• Ill Health Capability</li> <li>• Statutory transfers (TUPE)</li> <li>• Trade union networks. Links/support with trade union representatives at regional and local levels</li> <li>• Provision of model letters and documentation on casework and other HR issues and advice as required via the HR Intranet / toolkits.</li> <li>• Advice and Guidance on recruitment and retention</li> <li>• Interpretation of MCC &amp; CEC policies, processes and practices</li> <li>• Advice on ACAS/CIPD best practice</li> <li>• OHU &amp; EAP Services – linked to CEC Shared Services</li> <li>• Quarterly meeting with HR Business Partner to review resource/business plans.</li> <li>• Access to online training modules and corporate training delivery programme (inc 1 employment law update pa)</li> <li>• Up to 6 scheduled meetings on site with the Senior HR Officer p.a.</li> </ul> <p>2) <u>Additional Payments (prices TBC):</u></p> <ul style="list-style-type: none"> <li>• Job Analysis / Evaluation</li> <li>• Mediation</li> <li>• Investigations (appointing Investigating Officers)</li> <li>• Complex case management (disciplinary, grievance, dignity at work cases)</li> <li>• Direct restructuring support</li> <li>• Employment Tribunal claims/cases</li> </ul>	
<p><b>Audit Support</b></p> <p>£4,500.00</p> <p>As a minimum, CEC Internal Audit will undertake the necessary work required to complete the Small Bodies Annual Return (SMAR), plus an additional 5 days worth of non-allocated work to be used for consultancy and advice, and/or specific areas of work which may arise during the year, for example, via the SMAR work, External Audit, or at the request of the PATROL committees.</p> <p>An additional three year plan of audit/assurance work would be separate from the</p>	

above and would be subject to discussion with PATROL.	
<p><b>Democratic Services Support</b></p> <ul style="list-style-type: none"> <li>On behalf of the Lead Officer act as Secretary to PATROL Committees Sub-committees and working groups, assuring that these bodies operate at maximum effectiveness. Assume up to 4 meetings per year half a day preparation full day travelling and attendance and half day follow up. Total of 10 hours per meeting.</li> <li>Production of Agendas and Minutes.</li> <li>Advertising of Meetings.</li> <li>Assist the Lead Officer in the development of modern technology enabled and efficient processes regarding the formal decision making structures of PATROL.</li> </ul>	£7,650.00
<p><b>Legal</b></p> <p>Charge for day-to-day Legal Services support to PATROL.</p> <p>Legal Services will also charge on an ad hoc basis for any contract/corporate and employment work, for example, advising on contract/procurement matters and employment tribunal proceeding.</p>	£7,650.00
<p><b>Finance</b></p> <p>Ongoing / ad-hoc support on the following areas to be provided to the Head of Service and PATROL management team – primarily provided by telephone/email:</p> <ul style="list-style-type: none"> <li>Advice on Investment Strategy &amp; General Banking Arrangements;</li> <li>Advice on Reserves Policy Statement</li> <li>Ad-hoc advice on general financial management</li> </ul> <p>VAT Administration</p> <ul style="list-style-type: none"> <li>Quarterly VAT claim</li> <li>VAT advice, and Resolution of issues</li> </ul> <p>Insurance Charges covering the following:-</p> <ul style="list-style-type: none"> <li>Employers' Liability</li> <li>Public Liability</li> <li>Officials Indemnity</li> <li>Fidelity Guarantee</li> </ul>	£7,650.00
<p><b>Strategic Commissioning – Hosting of PATROL</b></p> <p>Service charge for the Strategic Commissioning service hosting PATROL. The charge is based on support being provided by a combination of the following Officers:</p> <ul style="list-style-type: none"> <li>George Broughton – Strategic Commissioning Manager; and</li> <li>The Strategic Commissioning Team.</li> </ul>	£7,650.00
<b>TOTAL</b>	<b>£42,750.00</b>



<p><b>In addition, a retainer of £10,000 is to be included to cover support and advice provided by the following services. This support/advice is expected to be on an ad-hoc basis:</b></p>	
<p><b>Support Service provided on ad-hoc basis:</b></p>	
<p><b>Assets</b></p>	<p>Support to be provided to PATROL on an ad-hoc basis.</p>
<p><b>FOI</b></p>	<p>PATROL to handle requests and would only be seeking advice from CEC on an ad hoc basis. Resource requirements expected to be no more than a couple of phone calls and the reviewing of a response letters a month, if not bi-monthly.</p>
<p><b>Procurement</b></p>	<p>Advice to be provided to PATROL on an ad-hoc basis.</p>
<p><b>IT Support</b></p>	<p>No routine service support to be provided. Technical support to be provided on an ad-hoc basis</p>
<p><b>Health &amp; Safety Support</b></p>	<p>Support to be provided on an ad-hoc basis.</p>
<p><b>TOTAL CHARGE    £52,750.00</b></p>	

The above charges relate to the Lead Authority's financial year 2014/15. Annual charges will increase in line with the December CPI figure.



## **PATROL ADJUDICATION JOINT COMMITTEE**

### Delegation to Chief Adjudicator:-

1. With the consent of the Lord Chancellor, the making of the Part-time Adjudicator appointments, for a period not exceeding 5 years. Such appointments to be sufficient to meet the needs of the service, as appropriate. With the consent of the Lord Chancellor, to extend these appointments to enable those Adjudicators to act within the areas of any Council which in future becomes party to the Joint Committee arrangements, as appropriate.
2. The determination of the terms and conditions applying to adjudicators, having regard to principles established for such judicial appointments and conduct by the Lord Chief Justice and Lord Chancellor.
3. The determination of where Adjudicators shall sit.
4. To obtain such legal advice and representation necessarily required for the adjudicators to perform their functions and to arrange for defence of any legal proceedings arising from the exercise of those functions, including the instruction of Counsel.
5. To conduct and approve press and media relations relating to the Traffic Penalty Tribunal, including press conferences, publicity and public relations and Tribunal information and publications.
6. Promotion of the Traffic Penalty Tribunal.

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**Appendix 3**  
**PATROL and BUS LANE ADJUDICATION SERVICE**  
**JOINT COMMITTEE**

**Delegations to the Director**

**Introduction**

In this document the Director means the person appointed by PATROLAJC as their Director and the BLASJC as their Director, being Louise Hutchinson for the time being, and her successors

In this scheme of delegation the phrase “Joint Committees” means the Parking and Traffic Regulation Outside London Adjudication Joint Committee and Bus Lane Adjudication Service Joint Committee.

“Lead Authority” means Cheshire East Council.

Pursuant to Clause 5.1 of the Service Level Agreement dated 3 December 2014 between the Joint Committees and the Lead Authority, the Lead Authority and Joint Committees shall delegate certain functions to the Director. This Scheme of Delegation delegates those functions.

The Joint Committees and Lead Authority approve the following functions ( the Approved Functions) being exercised by the Director subject to:

- a) Administrative procedures being in place to record and monitor decisions taken.
- b) There being an appropriate audit trail to evidence such decision
- c) Ensuring that decisions taken are within the limits of the budgets and policies approved by the Joint Committees unless there is a matter of urgency which has been consulted upon with the Chair, or in his or her absence the Vice Chair, of the Joint Committees which will be the subject of a report to the next meeting of the Joint Committee, Executive or Resources Sub Committee whichever takes place soonest. No such urgent action may incur any financial liability for the Lead Authority without the express agreement of that Authority.
- d) The preparation of Joint Committee reports being subject to consideration by the Joint Committees’ Officer Advisory Board unless urgent

Save to the extent that any of the Approved Functions are expressly reserved by the Lead Authority in this Scheme of Delegation, the Lead Authority is no longer obliged to carry out the Approved Functions.

**1. General**

- 1.1 To expedite all necessary arrangements for the support of the Adjudicators for the performance of their functions under Part 6 of the Traffic Management Act 2004 and the Transport Act 2000 and in accordance with the Memorandum of Understanding between the Adjudicators and the Joint Committees.
- 1.2 To carry out or arrange for the carrying out of any functions conferred on the Lead Officer by virtue of the Joint Committees' Standing Orders and Financial Regulations.
- 1.3 To make necessary arrangements for the administration of the Joint Committee and its Advisory Board including:
  - receiving notifications from Participating Authorities that the appointment of their representative has terminated and the identity of their replacement representative,
  - receiving notifications generally sent to the Lead Officer under the deeds under which the Joint Committees operate, namely the Parking and Traffic Regulation Outside London Adjudication Joint Committee deed and the Bus Lane Adjudication Service Joint Committee deed, both dated 3 December 2014 between the participating authorities to the Parking and Traffic Regulation Outside London Adjudication Joint Committee and Bus Lane Adjudication Service Joint Committee

**2. Financial**

Subject to compliance with the Joint Committee's Financial Regulations (Appendix 2)

- 2.1 To negotiate for the supply of goods, services, materials and equipment, subject to a limit of £250,000 per contract. Acceptance of other than the lowest tender, with the consent of the Joint Committee within than limit. Contracts above £250,000 may only be negotiated with formal consent from the Joint Committee.
- 2.2 To prepare reports to enable the Joint Committees to:
  - approve an annual budget by 31 January each,
  - to defray the expenses of the Joint Committee,
  - To monitor the budget

- Approve final accounts and
- Review internal and external audit recommendations.

- 2.3 Subject to the consent of the Joint Committees's Treasurer:
- a) To write off debts which are irrecoverable or losses due to burglaries, break-ins etc.
  - b) To write off or make adjustments in respect of deficiencies or surpluses of stock, equipment etc.
- 2.4 In consultation with the Chairman or Vice Chairman of the Joint Committees to authorize the withdrawal of funds from reserves to meet budgetary deficits or other requirements as approved by the Joint Committee.
- 2.5 To prepare, in consultation with the Joint Committees Treasurer a Reserves Policy and Treasury Management Policy for approval by the Joint Committees .
- 2.6 To review annually, in consultation with the Joint Committees Treasurer the Joint Committee's Financial Regulations.
- 2.7 To be responsible for Capital Investment bids for the refurbishment of property, changes in office layout, replacement of lifts, hearing, information technology and other equipment and plant.
- 2.8 Determination of ex-gratia claims for damage to, or loss of, personal property subject to the consent of the Joint Committees for claims in excess of £1,000.
- 2.9 Disposal of surplus or obsolete equipment, scrap etc (except vehicles) to the highest tenderer.

### **3. Land and Property**

- 3.1 To identify property requirements to meet the needs of the Adjudicators and the staff of the Joint Committees.
- 3.2 To liaise with Property Services of the Lead Authority to negotiate Heads of Terms and the Lease for such property.
- 3.3 To arrange for the routine repair, maintenance and alteration of the offices. The Lead Authority as the Lease Holder will be consulted concerning any structural changes to the offices during the period of the lease and their prior agreement obtained unless the Joint Committees

provides an indemnity in a form approved by the Lead Authority's Head at Legal Services against any liability incurred as a result of the works.

- 3.4 To take all necessary measures to prevent vandalism of buildings belonging to or under the control of the Joint Committees.
- 3.5 To grant permission to elected members or officers of Participating Authorities or representatives of the Joint Committees to enter any land or buildings occupied by the Joint Committees to which the public do not have access or to which such members, officers and representatives do not regularly have access subject to such conditions, if any, as she or he considers appropriate

#### **4. Miscellaneous**

- 4.1 To control and coordinate press and media relations subject to the agreement of the Chair and Vice Chair of the Joint Committee and with the agreement of the Lead Authority Communications Manager when such press and media relations relates to the Lead Authority.

#### **5. Human Resources**

Insofar as the following delegations derive from the Lead Authority they may only be exercised to the extent that they have no adverse budgetary implications for that Authority. Also these delegations are subject to paragraph 5.19 below.

- 5.1 To take necessary steps (including advertising, job evaluation etc) to fill posts and where this departs from Cheshire East Council's standard policies and procedures, to raise this matter with the council and the Joint Committee or its Executive or Resources Sub Committee to identify an agreed way forward.
- 5.2 To fill vacant posts within approved establishments except Adjudicator posts.
- 5.3 To determine applications for paid and unpaid maternity/paternity leave
- 5.4 To determine casual or essential car users allowance to officers
- 5.5 To determine the payment of removal expenses, lodging allowances or travelling allowances but in consultation with the Chairman of Vice Chairman of the Joint Committees where such payments fall outside the Joint Committees agreed policy.



- 5.6 To determine proposals to attend training courses except where absence is required for more than 10 days or where Joint Committees expenditure involved is in excess of £6,000, in which cases subject to consultation with the Chairman or Vice Chairman of the Joint Committees.
- 5.7 To assign temporary posts which are for a period of not exceeding 12 months.
- 5.8 To grant acceleration of increments for any staff within their substantive grade for merit and ability.
- 5.9 To determine paid and unpaid special leave.
- 5.10 Subject to the agreement of the Joint Committees to assign additional posts at grades up to and including Grade PO 6 or equivalent in categories of posts where there is already an agreed job description and a grade fixed for the post.
- 5.11 To determine requests or recommendations for honoraria (subject to reporting every honoraria payment made to the Joint Committees), gratuities and responsibilities allowances, except those relating to the Director.
- 5.12 To determine applications for paid and unpaid leave – to include the following:
  - a) For trade union training
  - b) For health and safety training
  - c) For paid leave for an employee to discharge his/her 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.
- 5.13 Where appropriate, the determination of extensions of payments to employees in relation to sickness.
- 5.14 Determination of extensions of service except that of first and second tier officers.
- 5.15 Determination of planned overtime for officers
- 5.16 Determination of applications for early retirement in consultation with the Lead Authority's Head of Personnel and the Joint Committees and with

the prior agreement of the Lead Authority unless the Joint Committees provides an indemnity in a form approved by the Lead Authority's Head at Legal Services against any liability incurred by the Lead Authority as a result of the decision.

- 5.17 To discipline, suspend and/or dismiss staff
- 5.18 Authority to assimilate staff on appointment, promotion or regarding where s/he thinks appropriate within the approved grade having regard to all circumstances.
- 5.19 The Director may not exercise any of the powers in this paragraph 5 if to do so would confer a benefit on the Director.

## **6. Support to the Joint Committee and Advisory Board**

- 6.1 To convene meetings of the Advisory Board and keep the attendance record of such meetings in accordance with the Terms of Reference agreed by the Joint Committees.
- 6.2 To convene meetings and arrange for the preparation of agendas and reports, sending out of the same and giving notice of the meeting of the Joint Committees and any Executive Sub Committees, Sub Groups or Working Groups including:
  - Receiving requisitions for meetings
  - Receiving notices of items for agendas from Participating Authorities
  - Receiving notifications from deputations
  - Cancelling or postponing any meeting in consultation with the chairman prior to the issue of the agenda or subsequently if there is no business to be transacted or in other exceptional circumstances
  - Receiving notification of a Participating Authority's substitute for a meeting
  - Arranging for the minutes of the meeting to be taken

*[Note: for the avoidance of any doubt the Lead Officer will also be able to convene meetings of the Joint Committees]*
- 6.3 To deal with urgent business of Joint Committees after consulting the Chairman or Vice Chairman.
- 6.4 Record declarations and matters of interest of Joint Committees Members and Officers.
- 6.5 (a) To arrange for the giving of advice and support to the Joint Committees in legal matters. Where external advice is sought which will also affect the Lead Authority written instructions will be provided to the

lawyers and those instructions will be agreed with the Head of Legal Services of the Lead Authority.

(b) Where there is a potential conflict of interests or it is otherwise appropriate the Joint Committees and the Lead Authority may wish to seek their own legal advice in which case the Director will arrange for the giving of advice and support to the Joint Committees and the Head of Legal Services of the Lead Authority will arrange for the giving of advice and support to the Lead Authority.

- 6.6 In agreement with the Head of Legal Services, where it will affect the Lead Authority, to defend all claims made against the Joint Committees and take preliminary steps to protect the rights and interests of the Joint Committees.
- 6.7 To hold documents and provide or refuse access to Joint Committees documents and information in accordance with the provisions of law including carrying out the function of the proper officer under section 100F(2) Local Government Act 1972. For the avoidance of doubt, this does not include documents held by the Traffic Penalty Tribunal in pursuance of the Adjudicators' procedural regulations.
- 6.8 To instruct the Lead Authority to prepare Memorandums of Participation to enable councils undertaking civil parking or bus lane enforcement to join the respective Joint Committees.
- 6.9 Receiving notifications from Participating Authorities that they wish to withdraw from participation in the arrangements of the Joint Committees

## 7. **Legal**

- 7.1 To prepare and arrange for the entering into of contracts and the execution of documents on behalf of the Joint Committees where the total value of the goods and services does not exceed the amount of the EU threshold and where there is no requirement for the contract to be sealed.
- 7.2 In consultation with the Head of Legal Services, where appropriate, to arrange for the assignment of a contract or the approval of the appointment of a sub-contractor.

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APPENDIX 4

**MEMORANDUM OF UNDERSTANDING**

*between*

**Adjudicators of the Traffic Penalty Tribunal**

*and*

**The PATROL Adjudication Joint Committee and  
The Bus Lane Adjudication Service Joint Committee**

**November 2012**

Reviewed and approved at Joint Committee June 2014

Reviewed and approved at Joint Committee June 2015

Reviewed and approved at Joint Committee July 2016

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**MEMORANDUM OF UNDERSTANDING**

**1. Introduction**

This Memorandum of Understanding (MOU) is between:

- a) The Adjudicators
- b) The Parking and Traffic Regulations Outside London Joint Committee (PATROL) and the Bus Lane Adjudication Service Joint Committee (BLASJC)

The jurisdiction is England (outside London) and Wales. Legislation is devolved to Wales.

The purpose of this MOU is to clarify the relationship between the Adjudicators and the joint committees and promote mutual understanding of the duties and obligations to preserve judicial independence.

The MOU seeks to provide an instrument to support our understanding of how the Parking and Traffic Regulations Outside London Joint Committee and Bus Lane Adjudication Service Joint Committee Agreements will be delivered.

Not only must each party to the MOU perform their functions with a view to protecting the independence of the tribunal but must recognise that the public perception of independence is as important as de facto independence.

**2. Shared Aims**

The Adjudicators and joint committees are committed to a fair adjudication service for appellants including visible independence of Adjudicators from the authorities in whose area they are working.

**3. Overriding Principles**

- 3.1 The overriding principle of this memorandum is that the Adjudicators are independent judicial office holders exercising a judicial function.
- 3.2 The Adjudicators are not employees of the Joint Committees. Together they constitute the independent and impartial tribunal for the determination of appeals made to them, as required by Article 6 of the European Convention on Human Rights. The Adjudicators and their administrative staff are, for convenience, described collectively as the Traffic Penalty Tribunal.
- 3.3 Neither the Chief Adjudicator (see paragraph 5 below) nor any other Adjudicator is answerable to the Joint Committees in any way as regards the performance of their judicial functions.
- 3.4 The Joint Committees has no remit to consider or influence decisions of Adjudicators and the function of the adjudication service as an independent tribunal.

## 4. The Statutory Framework

4.1 The relationship between the Adjudicators and the joint committees is derived from and governed by the Traffic Management Act 2004 (TMA) and Transport Act 2000 (TA) and the regulations made under those two Acts which:

- a) establish the office of Adjudicator for parking, bus lane, moving traffic and road user charging appeals.
- b) prescribes the roles and responsibilities of the Adjudicators and the Joint Committees

4.2 PATROL has been established to enable councils undertaking civil parking enforcement in England and Wales and civil bus lane and moving traffic enforcement in Wales to exercise their functions under:

- a) section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
- b) section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
- c) Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).

These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

Regulation 12 of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 provides that Adjudicators appointed by virtue Regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 by the Joint Committee are the adjudicators for determining road user charge appeals. For schemes outside Greater London the adjudicators are the ones appointed by the PATROL joint committee. The 2013 Adjudication regulations currently apply the Dartford/Thurrock crossing charging scheme and the Mersey Gateway charging scheme when it comes into force in 2017. Regulation 13 requires the charging authorities to meet the expenses incurred in supporting the adjudicators in performing their functions, including providing a 'proper officer'.

4.3 Where charging authorities are not members of the Joint Committee, the arrangements set out in 4.3 will be underpinned by a Memorandum of Understanding.

4.4 BLASJC has been established to enable councils in England undertaking civil enforcement of bus lanes to exercise their function under Regulation 11 of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (the Bus Lane Regulations)."

These functions are exercised through BLASJC in accordance with Regulation 12 of the Bus Lane Regulations.

4.5. The functions of PATROL and BLASJC are:



So far as the Adjudicators are concerned, the functions of the Joint Committees are as follows:

- a) With consent of the Lord Chancellor, appoint and reappoint Adjudicators
- b) Remove Adjudicators from office with the agreement of the Lord Chancellor and Lord Chief Justice
- c) Determine the place at which Adjudicators are to sit

The Joint Committees have formally delegated the above functions to the Chief Adjudicator (see Section 5 below).

The Joint Committees' functions also include:

- Providing or making arrangements for accommodation, administrative staff (and facilities) for the Adjudicators
- Defraying expenses incurred in the Adjudicators performing their function.
- Appointing persons to fulfill the function of the proper officer under the relevant regulations.

4.3 The Regulations also provide that:

- In accordance with such requirements as may be imposed by the Joint Committee, each Adjudicator shall make an annual report to the Joint Committees on the discharge of his/her function. The Joint Committees have agreed that this requirement will be fulfilled by the Chief Adjudicator.
- The Joint Committees shall make and publish annual reports in writing to the Secretary of State or Welsh Ministers as appropriate on the discharge of the Adjudicators and their functions.

## 5. Chief Adjudicator

5.1 There is no statutory provision for a Chief Adjudicator and Deputy Chief Adjudicator. Nevertheless, the Joint Committees and the Adjudicators have agreed:

- a) There is a need for a de-facto Chief Adjudicator and Deputy Chief Adjudicator
- b) The Joint Committees shall designate two of the Adjudicators to be the Chief Adjudicator and Deputy Chief Adjudicator.
- c) The role and responsibilities of the Chief Adjudicator and Deputy Chief Adjudicator are set out at Appendix 1 and 2 and shall include all aspects of judicial leadership and management including the following functions that the Joint Committee have delegated to the Chief Adjudicator:
  - i) With the consent of the Lord Chancellor, the making of and reappointment of the part-time Adjudicator appointments, for a period not exceeding 5 years. Such appointments to be sufficient to meet the needs of the service, as appropriate.

- ii) The determination of the terms and conditions applying to Adjudicators having regard to principles established for such judicial appointments and conduct by the Lord Chief Justice and Lord Chancellor.
- iii) The determination of where Adjudicators shall sit.

It is also for the Chief Adjudicator:

- i) To obtain such legal advice and representation necessarily required for the Adjudicators to perform their functions and to arrange for defense of any legal proceedings arising from the exercise of those functions, including the instruction of Counsel.
- ii) To conduct and approve press and media relations relating to the Traffic Penalty Tribunal, including press conferences, publicity and public relations and tribunal information and publications.
- iii) To oversee promotion of the Traffic Penalty Tribunal.

5.2 Like all Adjudicators, both the Chief Adjudicator and Deputy Chief Adjudicator enjoy judicial independence.

5.3 The Chief Adjudicator and Deputy Chief Adjudicator will form the judicial management team which has responsibility for judicial and jurisdictional leadership of the tribunal. The judicial management team will form a Joint Senior Management Team with the support services management team headed by the Director to drive tribunal improvement and ensure the successful achievement of objectives.

**6. Salaried Adjudicators**

6.1 The Chief Adjudicator and Deputy Chief Adjudicator **have** a contract of employment with the Lead Authority for employment rights such as salary and pensions however they are not accountable to the Chief Executive of the Lead Authority for the performance of their functions.

**7. Judicial Leadership, Management and Discipline Functions**

7.1 Neither the Joint Committees nor the Lead Authority are liable for Judicial Leadership, Management and Discipline functions.

**8. Removal of Adjudicators**

8.1 An Adjudicator may only be removed from office for misconduct or if unable or unfit to discharge his or her functions (s 81 (2) (d) Traffic Management Act 2004).

8.2 The procedure for removal is specified in the Adjudicators' terms of appointment and has been delegated by the Joint Committees to the Chief Adjudicator.

**9. Appeals and Judicial Matters**

9.1 Appeals are made to the Adjudicators and are their responsibility. They have a duty to ensure that appeals are dealt with in accordance with the requirements of Article 6 of the European Convention on Human Rights for a fair and public hearing within a reasonable time.

- 9.2 Judicial matters are entirely the responsibility of the Chief Adjudicator and Deputy Chief Adjudicator to determine. These include:
- a) Monitoring and appraisal of Adjudicators' competencies
  - b) Adjudicator training
  - c) Dealing with judicial complaints and discipline
  - d) Allocation of cases
- 9.3 The following are also matters for the Chief Adjudicator and Deputy Chief Adjudicator to determine:
- a) Administrative procedures
  - b) Training requirements for Adjudicators
  - c) Communications strategy
- 9.4 The Joint Committees would expect to be consulted to the extent that 9.2 have budgetary implications.
- 9.5 The Chief Adjudicator and Deputy Chief Adjudicator may delegate functions for the expeditious operation of the tribunal.

**10. Lead Officer**

- 10.1 The PATROLAJC and BLASJC Agreements make provision for the appointment of a Lead Officer to whom functions are delegated pursuant to that Deed of Arrangement and the Standing Orders of the Joint Committees
- 10.2 In view of the nature of the relationship between the Adjudicators, Joint Committees and the Lead Authority, the expectation is that the Joint Committees will request the Chief Executive of the Lead Authority to nominate the Head of Service (Director) as Lead Officer who amongst the functions delegated to the role will be expected to:
- a) Be responsible for the administration of the Joint Committees and the Traffic Penalty Tribunal and provide for the Adjudicators on behalf of the Joint Committees, the accommodation, administrative staff and facilities. The Lead Officer has no remit to influence the decisions of the Adjudicators.
  - b) Be responsible for ensuring that the Adjudicators requirements as set out in the Memorandum of Understanding with the Joint Committees are met within the Financial Regulations of the Joint Committee.
  - c) Work in partnership with the Chief Adjudicator, Deputy Chief Adjudicator and other senior managers as part of the Joint Senior Management Team to ensure the vision, aims and objectives of the tribunal are achieved
  - d) Provide strong and strategic leadership to manage the support function for the Adjudicators to deliver an efficient service that ensures all appeals are held within legal requirements and performance criteria.
  - e) Manage the Service Level Agreement with the Lead Authority on behalf of the Joint Committees.

**11. Accommodation, administrative staff and facilities**

- 11.1 The Joint Committees have a statutory duty to provide accommodation, administrative staff and facilities for the Adjudicators sufficient to enable them to perform their functions in accordance with their duty as set out in Section 4 above.
- 11.2 The nature of administrative support (including staff, facilities and accommodation) are for agreement between the Adjudicators and the Joint Committees, having regard to the Joint Committees' duty to the Adjudicators set out in Section 4 above
- 11.3 The accommodation and administrative staff provided for the Adjudicators by the Joint Committees in accordance with their statutory duties are, for convenience, along with the body of the Adjudicators whom they support, described collectively as the Traffic Penalty Tribunal. The Traffic Penalty Tribunal is not a legal entity.
- 11.4 The Joint Committees are responsible for the management of the accommodation and facilities including health and safety procedures for all users of the accommodation.
- 11.5 In accordance with the regulations made under the TMA and the TA, the Joint Committees are each required to appoint one member of staff to fulfill the duties of the "Proper Officer" for the purposes of those regulations. It is anticipated that the Joint Committees will consult with the Chief Adjudicator on the appointment of the Proper Officer.
- 11.6 The function of the staff, including the Proper Officer, is to support the Adjudicators in the performance of their function and to carry out such administrative tasks as the Adjudicators require in that connection. They act under the direction of the Adjudicators.
- 11.7 The Lead Authority will provide contracts of employment for the staff provided by the Joint Committees to ensure their employment rights and obligations.
- 11.8 For the purposes of employment rights and obligations, whilst employment policies may stem from the Lead Authority, it must be recognised that when staff are performing duties stemming from the procedural regulations that govern the Tribunal or under the delegation of Adjudicators, the latter takes precedence.
- 11.9 The independence of the Tribunal requires that staff are engaged solely on the work of the Tribunal.
- 11.10 The Joint Committees will ensure that staff provided for the Adjudicators carry out their functions effectively and efficiently and are responsible for their:
  - a) Recruitment
  - b) Training
  - c) Line Management
  - d) Appraisal
  - e) Disciplinary procedures, including considering complaints, grievances etc.

The staff will be selected by open recruitment (except where specifically agreed by the Chief Adjudicator) for skills, experience and aptitude to administer the tribunal in accordance with the regulation governing the tribunal procedure. The Chief Adjudicator will be consulted on the appointment of senior posts and staffing structures.

When the tribunal staff are performing these functions, management instructions will support and underpin the directions of the Adjudicator.

These functions are delegated to the Joint Committees' Lead Officer in consultation with the Chief Adjudicator.

- 11.11 There is an expectation that tribunal HR policies should be formulated in consultation with the Lead Authority but there is not an expectation that the policies of the Lead Authority will automatically be adopted. Policies need to be fit for purpose for a national tribunal, with particular regard to Wales, and its procedural regulation.

## **12. Defraying the expenses of the Tribunal**

- 12.1 The Joint Committees are responsible for defraying the expenses incurred in the Adjudicators performing their functions.
- 12.2 Consequent upon the duty specified in paragraph 12.1, the Joint Committees are responsible for:
  - a) approving the budget for the tribunal and determining the contribution for member authorities
  - b) financial control, management and monitoring

The Joint Committees will consult the Adjudicators in approving the budget and will otherwise consult with them as may be appropriate for the proper discharge of these functions.

## **13. Advisory Board**

- 13.1 The Joint Committees' Standing Orders provide for the Joint Committees to establish and appoint an Advisory Board comprising such officers and persons appointed by the Joint Committees to advise them on their functions .
- 13.2 The purpose of the Advisory Board is to assist and advise the Joint Committees on the overall policies and strategies for administering the adjudication service and on their responsibilities under the TMA, the English General Regulations, the Welsh General Provisions Regulations, the Bus Lane Regulations and the Road User Charging Regulations.
- 13.3 The Advisory Board has no remit to consider or influence decisions of Adjudicators and the function of the adjudication service as an Independent Tribunal.
- 13.4 The diversity of membership of the Advisory Board including judicial expertise and consumer representation strengthens the scrutiny function it performs which is of mutual benefit to the Adjudicators, the Joint Committees and Lead Authority.

## **14. Lead/Host Authority**

- 14.1 The Joint Committees are not made body corporate by statute however the Joint Committees are entities recognized in law as ones distinct from their members. The Joint Committees themselves may enter into contracts and also commissions services as required from time to time from one of its member councils referred to as the Host or Lead Authority.
- 14.2 The expectation is that the relationship between the Lead Authority and both the Joint Committees and the tribunal will replicate that of an arm's length body, with the Lead Authority providing services and advice as required.
- 14.3 The services provided by the Lead Authority, enabling the Joint Committees to provide the resources to the Adjudicators as identified in this Memorandum of Understanding, will be supported by a Service Level Agreement with the Joint Committees.
- 14.4 The period of tenure for the Lead Authority is five years.

## **15. Review Mechanism**

*Memorandum of Understanding between the Adjudicators of the Traffic Penalty Tribunal and the PATROL Adjudication Joint Committee and the Bus Lane Adjudication Service Joint Committee*

- 15.1 The MOU will be reviewed by the Adjudicators and the Joint Committees on an annual basis. This review will inform the annual review of the service level agreement between the Joint Committees and the Lead Authority.
- 15.2 Should the Chief Adjudicator have any concerns about matters impacting upon the independence of the Adjudicators, this will be brought to the immediate attention of the Chairs of the Joint Committees and/or their Advisory Board.

## Appendix 1

### CHIEF ADJUDICATOR ROLE

#### Introduction

The Chief Adjudicator's role is to recruit, lead and manage the Adjudicators with the aim of delivering a fair, timely and efficient adjudication service. In so doing, the responsibility of the Chief Adjudicator shall include the following:

1. Arrange the recruitment of an appropriate number of Adjudicators
2. Advise the Joint Committees on the removal of Adjudicators where necessary
3. Advise the Joint Committees on the reappointment of Adjudicators
4. Arrange appropriate induction and continuing training for Adjudicators, supplemented by appropriate guidance materials
5. Ensure the independence of Adjudicators
6. Monitoring, mentoring and appraisal of Adjudicators
7. Represent the Adjudicators in dealing with others, including:
  - i) The Joint Committees
  - ii) Government
  - iii) The press
8. Ensure proper rules of procedure and practices and promote consistency in their application.
9. Establish appropriate delegation in respect of the Chief Adjudicator and Adjudicator functions for the expeditious operation of the tribunal.
10. Ensure that administrative provision for Adjudicators is adequate and appropriate.
11. Deal with complaints against Adjudicators in accordance with the Adjudicators' Judicial Complaints Protocol, and other disciplinary matters
12. Provide guidance and support to individual Adjudicators
13. Deal with representation of Adjudicators in the event of a judicial review of their decision or other legal proceedings arising from the performance of their function.
14. Allocation of cases
15. On behalf of the Adjudicators, and in fulfillment of their obligation to the Joint Committees to report annually, author and present an annual report to the Joint Committees on the discharge by the Adjudicators of their functions with a view to its subsequent publication to the Secretary of State.
16. Keep the Joint Committees informed of all legal matters affective implementation and maintenance of the adjudication system.



## Appendix 2

### **DEPUTY CHIEF ADJUDICATOR ROLE**

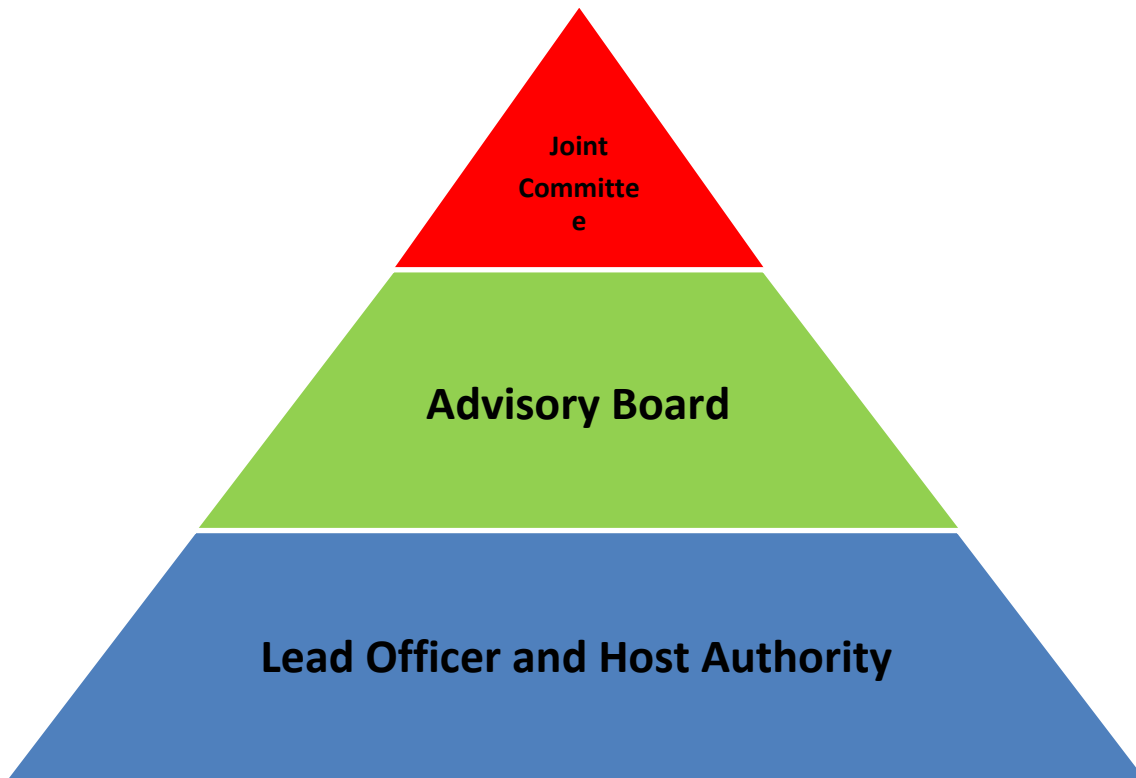
1. To determine appeals in all areas of the TPT Adjudicators' jurisdiction, ensuring compliance with the Adjudicators' Procedural Regulations
2. To deputise for the Chief Adjudicator at Joint Committee meetings, other external events and to liaise with the media, where required.
3. To be a key member of the team driving the TPT transformation project, including the information and communications strategy, contributing to the strategic direction and development objectives of the tribunal.
4. To oversee the arrangements for the recruitment, induction, welfare, regular training and appraisal of Adjudicators in order to enhance their judicial performance.
5. To maintain a close working relationship with the Head of Operations and the appeals staff to ensure high standards of case management including providing appropriate guidance, advice and support.
6. To formulate policies, delegations, procedures, guidance and prepare reports including coordinating of the Annual Reports to the Joint Committees, the Adjudicators Bulletin and key cases for the website.
7. To oversee the handling and monitoring of Review and Costs Applications and to develop and implement a robust process for handling complaints against Adjudicators.

Appendix 3

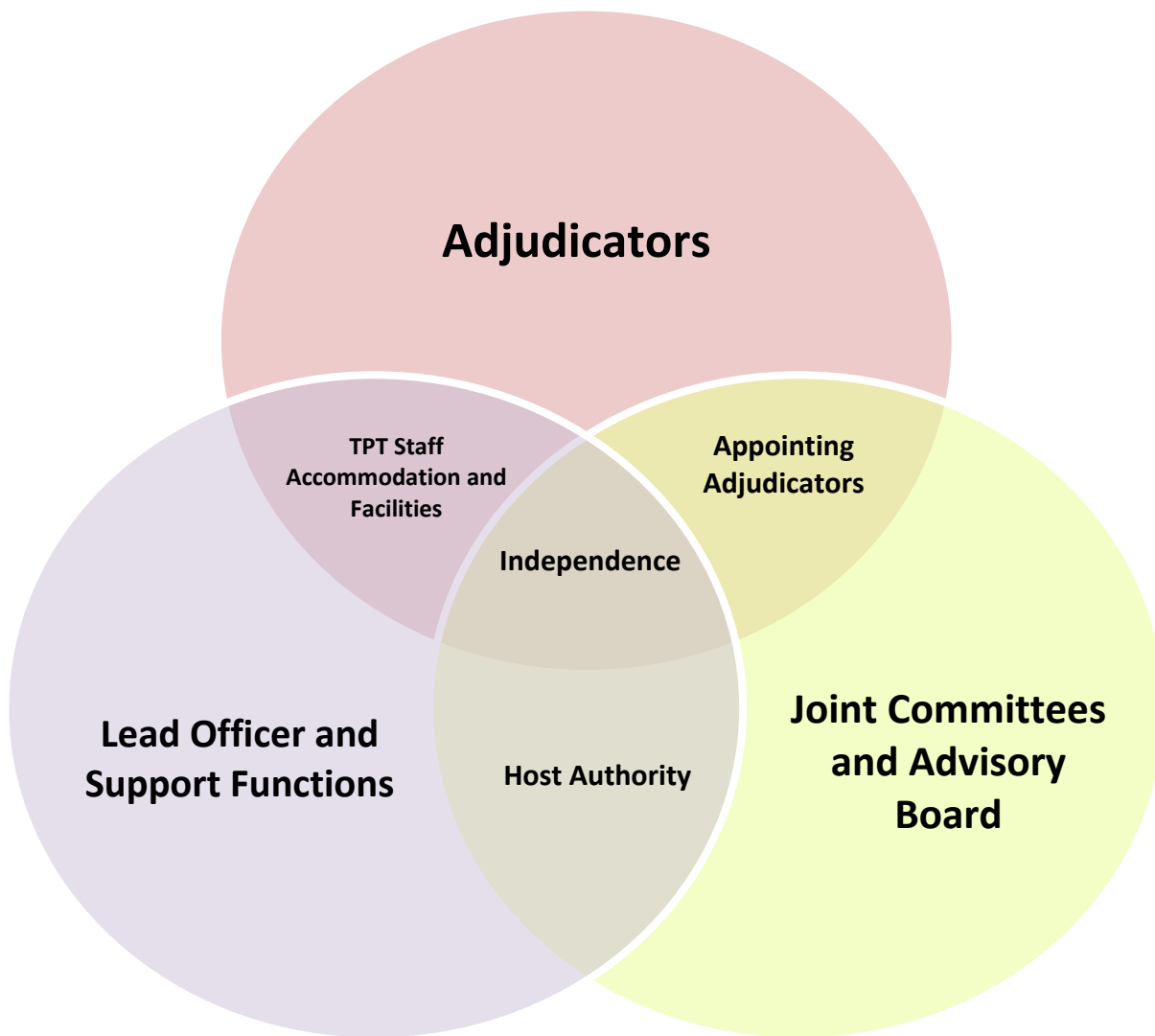
**Figurative Representation of the roles referred to in the Memorandum of Understanding**



**Fig 1. Provision of Services to Adjudicators**



**Fig 2. Governance Structure**



**Fig 3. Overview of Joint Committee Relationships**

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**APPENDIX 5**

**PATROL ADJUDICATION & BUS LANE ADJUDICATION SERVICE  
JOINT COMMITTEE**

**FINANCIAL REGULATIONS**

**2017/18**

**1. General**

- 1.1 These Regulations should be read in conjunction with the Joint Committee's Financial Standing Orders and Rules of Financial Management contained within the Joint Committee's Agreement, the Scheme of Delegation to the Director and the Scheme of Financial Delegation to officers.
- 1.2 Where the Joint Committee has established a sub committee whose terms of reference include delegated financial functions, or where there is a specific delegation to such a sub committee, the reference to Joint Committee within the Regulations will include the sub committee.
- 1.3 These Regulations lay down for the guidance of members and officers, principles to be followed in securing the proper administration of the Joint Committee's financial affairs and shall be reviewed by the Joint Committee on an annual basis.
- 1.4 The Director, as the officer responsible for the administration of the Joint Committee's affairs, shall report to the Joint Committee any significant failure to comply with these regulations which comes to his/her attention.
- 1.5 The Director shall be responsible for the accountability and control of all resources managed by him/her on behalf of the Joint Committee and will maintain a written record where decision making has been delegated to others.
- 1.6 The Director will ensure the organisational structure provides an appropriate segregation of duties to provide adequate internal controls to minimise fraud or malpractice.
- 1.7 The Director can allow exceptions to these Regulations if it is believed that the best interests of the Joint Committee would be served if the Regulations were not applied. A written record of these decisions must be kept and reported to the Joint Committee at the earliest opportunity.
- 1.8 Whenever any matter arises which may involve financial irregularity, the Director shall be notified immediately, and if an irregularity is disclosed the

matter shall, at the discretion of the Director and after consultation with the Joint Committee's Treasurer (the Lead Authority's S151 Officer), be referred by them to the Joint Committee. The Director and the Joint Committee Treasurer will determine whether the matter should be referred to Internal Audit. Further in a case where the Director advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

## **2. Accounting Arrangements**

- 2.1 The Statement of Responsibilities for the Statement of Accounts sets out the role of the Director and the Treasurer.
- 2.2 The Treasurer to the Joint Committee is the responsible Financial Officer for the purposes of the Annual Return.
- 2.3 The Director shall ensure that appropriate financial arrangements and procedures are in place on behalf of the Joint Committee in order that the Treasurer can be provided with the necessary accounting records.
- 2.4 The Director will make arrangements for the preparation and audit of annual accounts.
- 2.5 The Director will publish and make available a final accounts/audit timetable to member authorities following the annual meeting of the Joint Committee.
- 2.6 The Director, where applicable, shall be responsible for the submission of all claims for grant to Government Departments, or to the EU.

## **3. Banking Arrangements, Cheques and Purchase Cards**

- 3.1 All arrangements with the Joint Committee's bankers, including the procedures for the ordering and safe custody of cheques and purchase cards, shall be made under arrangements approved by the Director.
- 3.2 All cheques drawn on behalf of the Joint Committee shall be signed by two named signatories on the bank mandate. Electronic payments require approval from two individuals, who must have been granted access to the online banking system by the online bank administrator (Finance & Central Services Manager or Operations Manager).
- 3.3 There is to be a clear segregation of responsibility between the preparation of payments and the authorisation of payments.
- 3.4 Purchase card limits will be as set out within the Scheme of Financial Delegation.

- 3.5 All Card Holders will sign a Credit Card Undertaking form. The Credit Card Undertaking form sets out agreed procedures including storage, authorised users and record keeping requirements.
- 3.6 Only the Finance & Central Services Manager will be permitted to withdraw cash against their card and this will be authorised in advance by the Director.
- 3.7 Bank reconciliation will be undertaken on a monthly basis (within 30 days) and signed by two members of staff in accordance with the Bank Reconciliation Procedure with one signature being that of the Finance & Central Services Manager.
- 3.8 The Director will sign a summary sheet to ensure that bank reconciliations are completed in accordance with the financial regulations.

#### **4. Revenue and Capital Budgets**

- 4.1 The Director, in consultation with appropriate Officers, shall prepare annual estimates of expenditure and income, including the proposals for the basis for defraying that expenditure through member authorities. The budget and the basis for defraying expenditure through member authorities must be approved by the Joint Committee by the end of January each year.
- 4.2 The Director will provide a copy of the Joint Committee's approved budget to the Treasurer.
- 4.3 The Director will monitor income and expenditure against the budget and will report to meetings of the Joint Committee showing budgeted, actual and where appropriate, projected expenditure. Monitoring will take place and be evidenced monthly.
- 4.4 The Director shall be authorised to approve transfers between expenditure heads up to a maximum of £25,000. These transfers will be reported to the Joint Committee at the next available meeting as part of the budget monitoring arrangements.
- 4.5 Where it is anticipated that total expenditure will exceed the approved budgeted expenditure by 2.5%, the Chair and Vice Chair of the Joint Committee should be notified by the Director at the earliest opportunity following consultation with the Chair of the Advisory Board.

**5. Income**

- 5.1 The collection of all money due to the Joint Committee shall be under the supervision of the Director.
- 5.2 All money received shall be without delay passed for payment to the Joint Committee's bank account.
- 5.3 The Director shall be furnished with information to ensure the prompt rendering of accounts for the collection of income.
- 5.4 Following year-end, where invoicing is based on estimates, the Director shall request a self-certification of penalty charge notices issued by authorities.
- 5.5 Any Debt unpaid after 90 days of issue will be provided for in the accounts as soon as it becomes 90 days old.
- 5.6 The Director shall report all bad debts to the Joint Committee for these to be written off in accordance with the approved Bad Debt Policy. This report will include the cause of the bad debt and the recovering measures taken in accordance with the Debt Recovery Procedure.
- 5.7 Through regular budget monitoring reports, the Director will apprise the Joint Committee of variations in achieved income in order that the Joint Committee can take appropriate actions in a timely manner.

**6. Borrowing and Investments**

- 6.1 The Joint Committee approves on an annual basis an Annual Investment Strategy prepared in consultation with the Treasurer. Where applicable, this will take into account any Joint Committee policies in relation to reserves.

**7. Orders and Contracts**

- 7.1 The Scheme of Delegation to the Director and the Scheme of Financial Delegation include the required procedures, record keeping and procurement thresholds.
- 7.2 In evaluating quotations or tenders, the aim will be to achieve the most economically advantageous outcome, taking into account quality, cost and delivery experience. Such decisions will be documented. Where the lowest price option is not chosen, the Director must approve prior to goods/services being commissioned.



- 7.3 Only budget holders and staff who have received training in accordance with the Scheme of Financial Delegation may order goods or services.
- 7.4 The Director will ensure that staff involved in procurement are aware of financial thresholds and the need for aggregation with single suppliers in respect of purchasing thresholds. Market testing on rolling contracts over £2,000 will be undertaken on a three year cycle.
- 7.5 The Director is required to obtain approval from the Joint Committee in respect of the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract.
- 7.6 The Director has the authority to waive these rules (excluding those falling within the EU threshold) where the interests of the Joint Committee would be best served. Such circumstances would include where there is only one contractor that is able to provide goods and services or where the need for such goods and services was urgent and the above procedure would be detrimental to the Joint Committee. Forward planning and market testing will be deployed to ensure that cases of waiver are minimised. The Director shall maintain a record of such decisions and report to the Joint Committee at the earliest opportunity.

## **8. VAT**

- 8.1 The Director will make arrangements for VAT to be reclaimed from the Joint Committee's Lead Authority on a quarterly basis.

## **9. Reserves**

- 9.1 Where applicable, the Joint Committee will approve a Reserves Policy Statement on an annual basis. The Joint Committee will be asked to approve arrangements for placing elements of the reserve on deposit, with regard to ensuring sufficient cash flow and minimising risk. This is documented in the Annual Investment Strategy.

## **10. Equipment**

- 10.1 The Director will ensure that all staff are aware of their responsibility for the security and proper recording of equipment under their control including their personal responsibility with regard to the protection and confidentiality of information whether held in manual or computerised records in accordance with the Information Security Policy.
- 10.2 All equipment over £1,000 in value must be recorded in the Equipment Inventory in accordance with the Asset Management Policy.

10.3 All IT equipment and communications devices will be recorded in an IT register where the purchase value is greater than £100.

10.4 This will be physically verified annually by the Finance and Central Services Manager.

**11. Insurance**

11.1 The Director shall arrange such insurances as he/she considers necessary.

11.2 Officers shall give prompt notification to the Director of all new risk or any alterations which may affect existing insurances.

11.3 Officers shall inform the Director promptly in writing of any events which may involve the Joint Committee in a claim.

**12. Risk**

12.1 The Director will present a Risk Register for review by the Joint Committee at each meeting in accordance with the Joint Committee's Risk Management Strategy. In addition the Director will ensure that effective Business Continuity Planning arrangements are in place in accordance with the Joint Committee's Business Continuity Management Policy.

**13. Internal Audit**

13.1 The Joint Committee shall approve a three year Internal Audit Strategy and an annual plan.

13.2 The Director will, in accordance with the above plan, arrange for the internal audit of accounts and internal assurance framework of the Joint Committee. Internal audit is currently undertaken by the Lead Authority's Internal Audit Department.

13.3 The Director will ensure that Internal Auditors have right of access to such records and explanations as they require to complete the work undertaken.

13.4 Audit Reports will be presented to the Joint Committee.

**14. External Audit**

14.1 The Joint Committee will be asked to approve the appointment of auditors.

14.2 The Director will make such arrangements as are necessary to facilitate this audit.

14.3 The Director will ensure that External Auditors have right of access to such records and explanation as they require to complete the work undertaken.

14.4 Audit Reports will be presented to the Joint Committee.

**15. Petty Cash**

15.1 The Director shall make such arrangements as he/she considers necessary for defraying petty cash and other expenses by means of an imprest system in accordance with a procedure to be agreed with the Treasurer, should a petty cash imprest system be introduced.

**16. Expenses**

16.1 The Director shall ensure that expense claims are underpinned by guidelines approved by the Joint Committee's Advisory Board.

**17. Gifts and Hospitality Register**

17.1 The Director will ensure that a register is held for the purposes of recording gifts and hospitality and that staff are made aware of its existence.

**18. Declaration of Interest**

18.1 All staff with financial responsibilities will be advised of their obligation to declare any interest on an annual basis. Members and Officers at each meeting will be provided with the opportunity to declare a pecuniary or non-pecuniary interest, where interests arise, individuals will be asked to complete the Declaration of Interest Form in addition to the interest being minuted.

**19. Anti-fraud, anti-corruption and whistleblowing**

19.1 Compliance with these financial regulations is supported by policies and procedures in respect of anti-fraud, anti-corruption and whistleblowing. Where staff has concerns in this respect, they should approach their Line Manager, the Director or if they wish to speak to someone external to the organisation, they can contact Public Concern at Work which operates a confidential helpline 02074046609. Further advice and guidance can also be found on their website [www.pcaw.co.uk](http://www.pcaw.co.uk). The Director will ensure that staff are aware of the relevant internal and external contact points in these circumstances.

**20. Document Retention**

- 20.1 All financial documents will be retained for a period of six years in addition to the current year.

**21. Review and approvals**

- 21.1 These Financial Regulations will be reviewed by the Joint Committee on an annual basis.

21 September 2010

28 September 2011

26 June 2012

25 June 2013

25 June 2014

23 June 2015

11 July 2017

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

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**Date of Meeting:** 11<sup>th</sup> July 2017  
**Report of:** The Director  
**Subject/Title:** General Progress Report

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**1. Report Summary**

1.1 To update the Joint Committees on appeals activity and tribunal initiatives.

**2. Recommendation**

2.1 To note the information about appeals activity and proposal that this format provides the basis for future reporting.

2.2 To note the information about tribunal initiatives.

**3. Reasons for Recommendations**

3.1 To update the Joint Committees and establish a basis for future reporting

**4. Financial Implications**

4.1 The PATROL Joint Committee has approved a technology reserve for 2017/18 to promote the continued development of the online appeal management system.

**5. Legal Implications**

5.1 None

**6. Risk Management**

6.1 The online appeal system is scalable to meet demand for increased appeals or new jurisdictions.

**7. Background and Options**

7.1 All local 309 parking and 59 bus lane authorities are now responding to appeals in the online appeal system, FOAM (Fast Online Appeal Management). Road user charging appeals at the Dartford Thurrock River Crossing will transfer from the prototype system into FOAM from July 2017.

7.1 The report at Appendix 1 provides information on appeals activity over the period 1<sup>st</sup> April 2016. It is proposed that this format form the basis for reporting appeals activity to the Joint Committee going forward.

**8. Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson  
Designation: Director  
Tel No: 01625 445566  
Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)

**Appendix 1: TRAFFIC PENALTY TRIBUNAL Appeals Summary 1 April 2016 – 31 March 2017**

**1. Summary**

1.1 The tables below show the number of PCNs appealed including witness statements (subject to final validation for 2016/17) to the Tribunal for the last 3 years by type of appeal. Additional information is included on the frequency of hearings and case closure times.

In summary comparing 2016/17 with 2015/16:

**1.2 English authorities (outside London)**

The volume of parking PCNs appealed has reduced by 3.7%

The volume of bus lane PCNs appealed has increased by 26%

Total movement in England is an increase of 3%

**1.3 Welsh Authorities**

The volume of parking PCNs appealed has reduced by 43%

The volume of bus lanes appealed has reduced by 12%

Moving traffic enforcement was introduced by Cardiff Council during the year.

**1.4 Combined figures England and Wales (parking, bus lanes, moving traffic)**

There has been an increase of 12.4% in PCNs appealed across all appeal streams.

**1.5 Dart Charge**

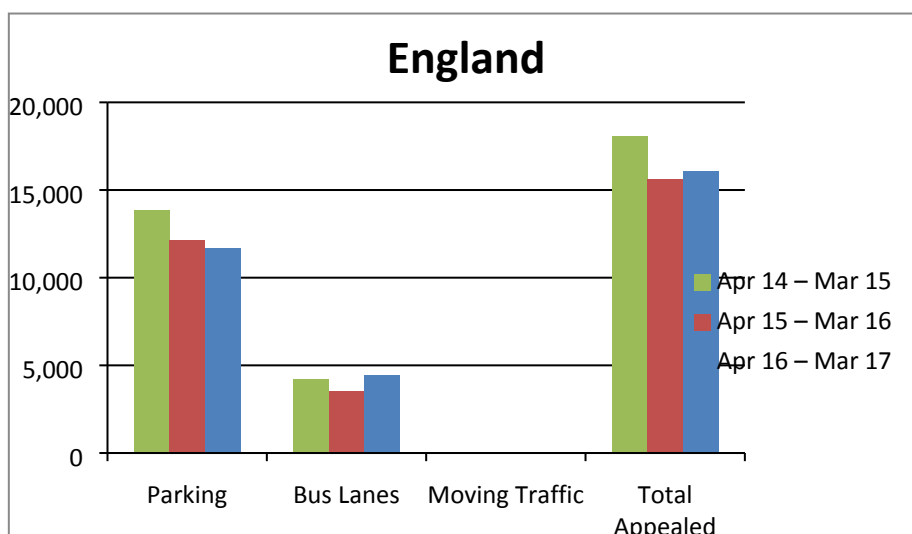
Road user charging was introduced at the Dartford-Thurrock crossing in November 2014. There has been an increase of 129% in PCNs appealed when comparing 2016/17 with 2015/16.

**1.6 Total across all appeal streams**

Comparing 2016/17 against 2015/16, there has been an increase of 47% in PCNs appealed. The highest proportion of this increase relates to Road User Charging at the Dartford River Crossing.

**2. English Local Authorities.**

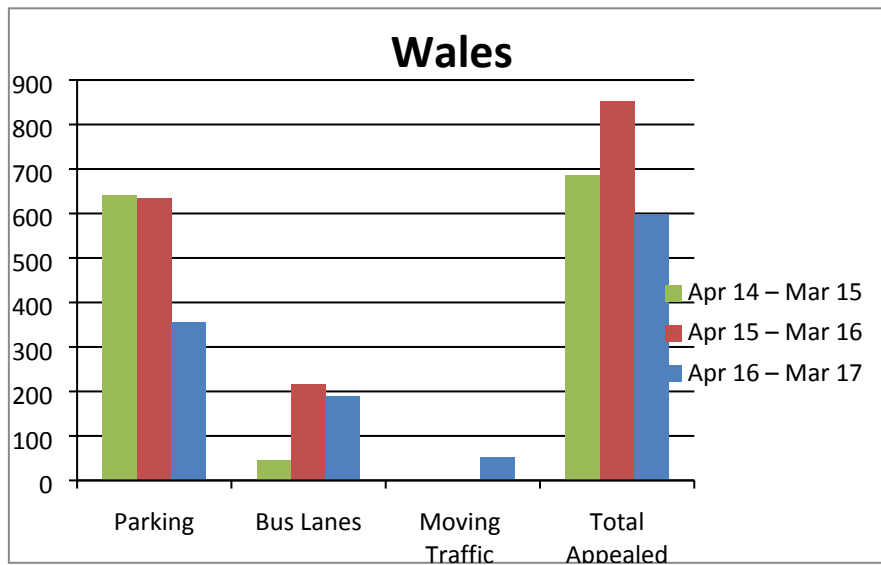
England	Parking	Bus Lanes	Moving Traffic	Total Appealed
Apr 16 – Mar 17	11,642	4,418	0	16,060
Apr 15 – Mar 16	12,100	3,503	0	15,603
Apr 14 – Mar 15	13,848	4,209	0	18,057



Comparing 2016/17 against 2015/16, the volume of parking PCNs appealed against English authorities has reduced by 3.7%. Whilst bus lane PCNs appealed has increased by 26% reflecting the introduction of new enforcement. In total, PCNs appealed against English authorities has increased by 3%.

3. Welsh Local Authorities

Wales	Parking	Bus Lanes	Moving Traffic	Total Appealed
Apr 16 – Mar 17	356	190	53	599
Apr 15 – Mar 16	634	217	1	852
Apr 14 – Mar 15	642	45	0	687



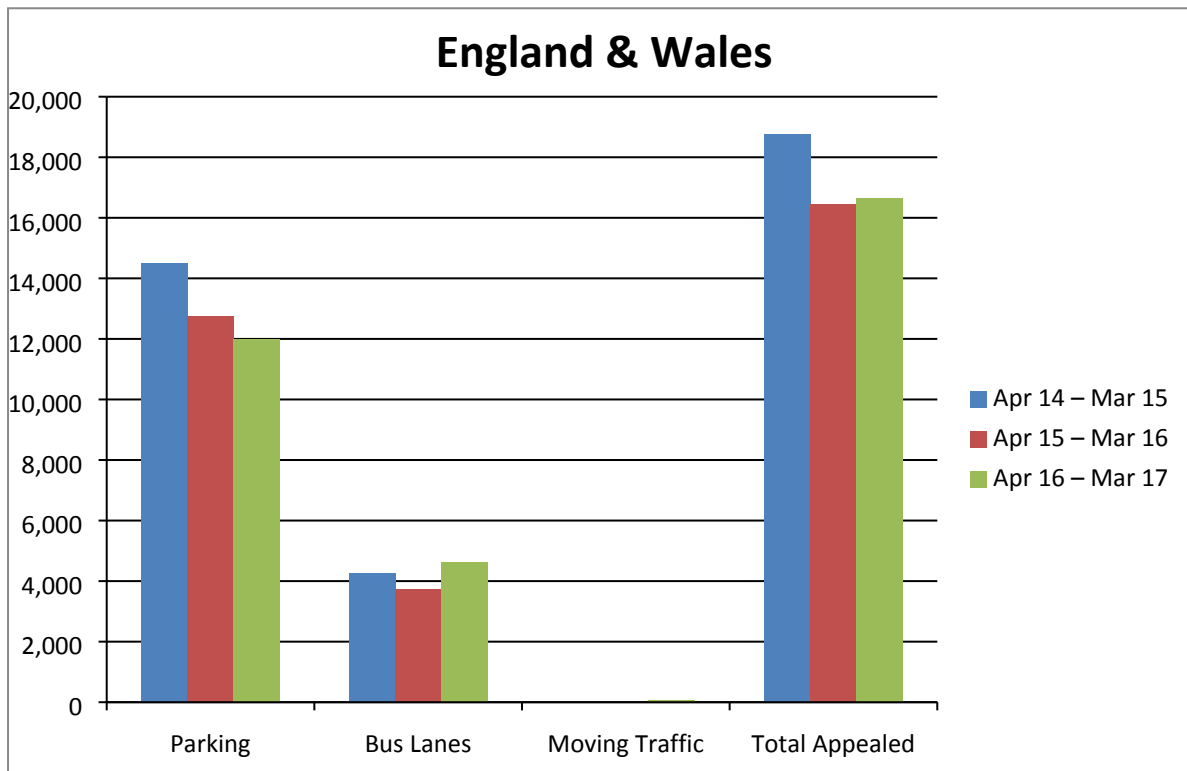
Comparing 2016/17 with 2015/16, the volume of parking PCNs appealed against Welsh authorities has reduced by 43% and Welsh bus lane appeals have reduced by 12%. Total PCNs appealed against Welsh authorities has reduced by 29.7%.



4. England and Wales combined

England & Wales	Parking	Bus Lanes	Moving Traffic	Total Appealed
Apr 16 – Mar 17	11,998	4,608	53	16,659
Apr 15 – Mar 16	12,734	3,720	1	16,455
Apr 14 – Mar 15	14,490	4,254	0	18,744

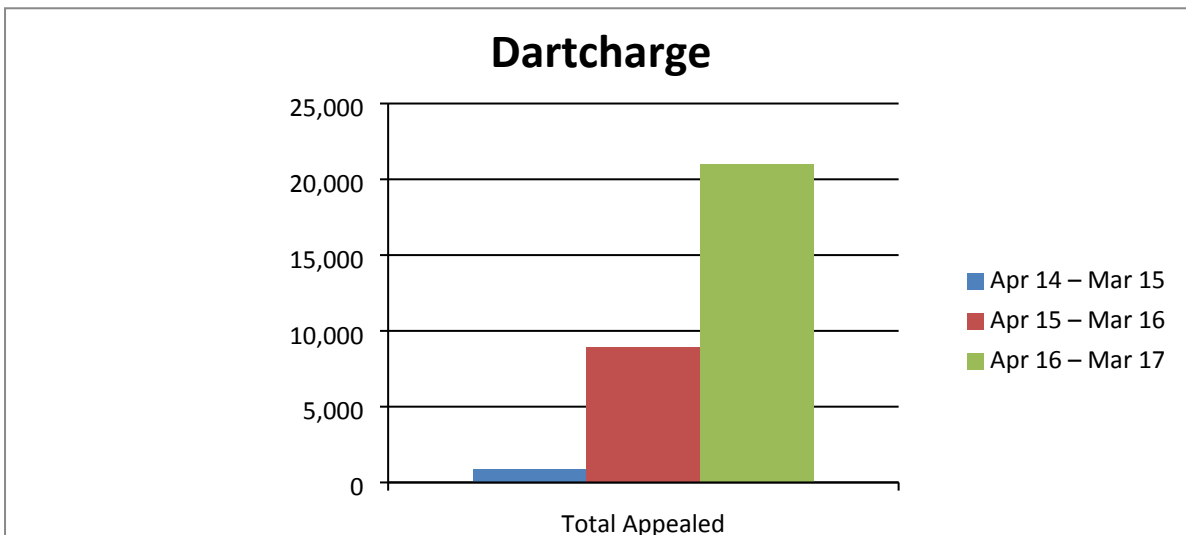
The overall total of PCNs appealed against English (outside London) authorities has increased by 12.4%.



**5. Dart Charge**

In the second full year of operation the volume of PCNs appealed in respect of road user charging at the Dartford-Thurrock River Crossing has increased by 129%

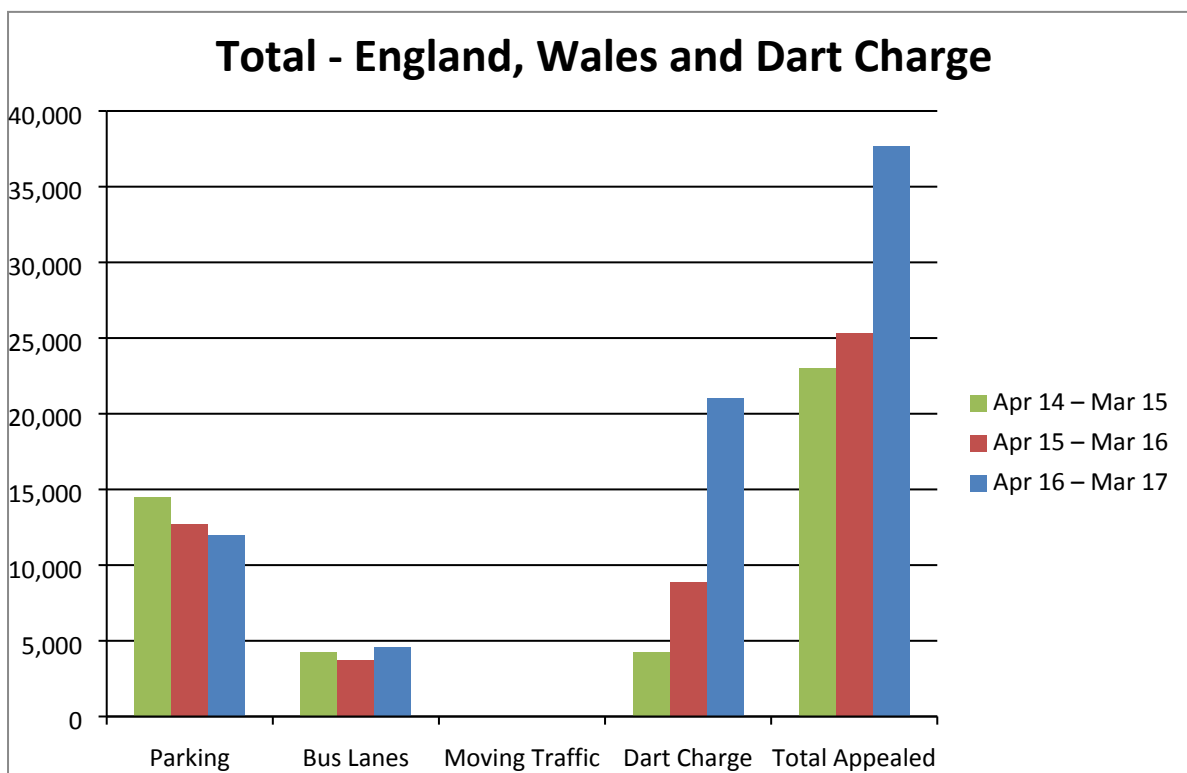
Dart Charge				Total Appealed
Apr 16 – Mar 17				21,017
Apr 15 – Mar 16				9,174
Apr 14 – Mar 15				610



**6. Total across all appeal streams.**

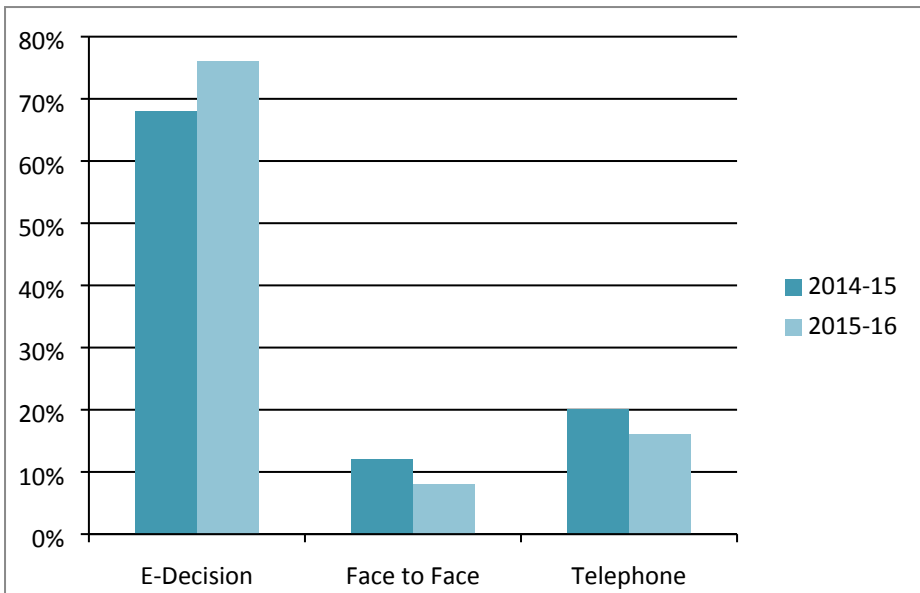
The total volume of PCNs appealed across all appeals streams has increased from 25,629 to 37,676 which represents an increase of 47%

<b>Total England, Wales &amp; Dart Charge</b>	<b>Parking</b>	<b>Bus Lanes</b>	<b>Moving Traffic</b>	<b>Dart Charge</b>	<b>Total Appealed</b>
Apr 16 – Mar 17	11,998	4,608	53	21,017	37,676
Apr 15 – Mar 16	12,734	3,720	1	9,174	25,629
Apr 14 – Mar 15	14,490	4,254	0	610	19,354



**7. Frequency of hearings**

The volume of hearings by type in the years 2014/15 and 2015/16 is shown below. E decisions and telephone hearings are becoming the most prevalent, with the latter showing a reduction 2015/16. During 2016/17 the breakdown was 76% e decisions, 16% telephone hearings and 8% face to face hearings.



## 8. Case Closure

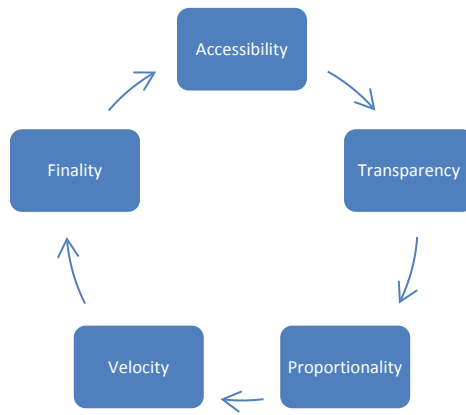
8.1 By the end of March 2017, all local authorities and their appellants had been provided with access to FOAM (Fast Online Appeal Management). The online system has resulted in a new way of handling appeals with the facility for messaging and all parties having access to the same information and evidence in the same place. This allows the adjudicator to adopt a more inquisitorial approach to ascertain details of the case.

8.2 This compares with the average case closure in the legacy system of 4.92 weeks (edecision), 6.69 weeks (telephones) 12.50 weeks (face to face).

8.3 Appealing to the Traffic Penalty Tribunal is a judicial process and whilst it is not appropriate to set rigid timescales, the tribunal's objective is to provide

***“a tribunal service that is user-focused, efficient, timely, helpful and readily accessible”***

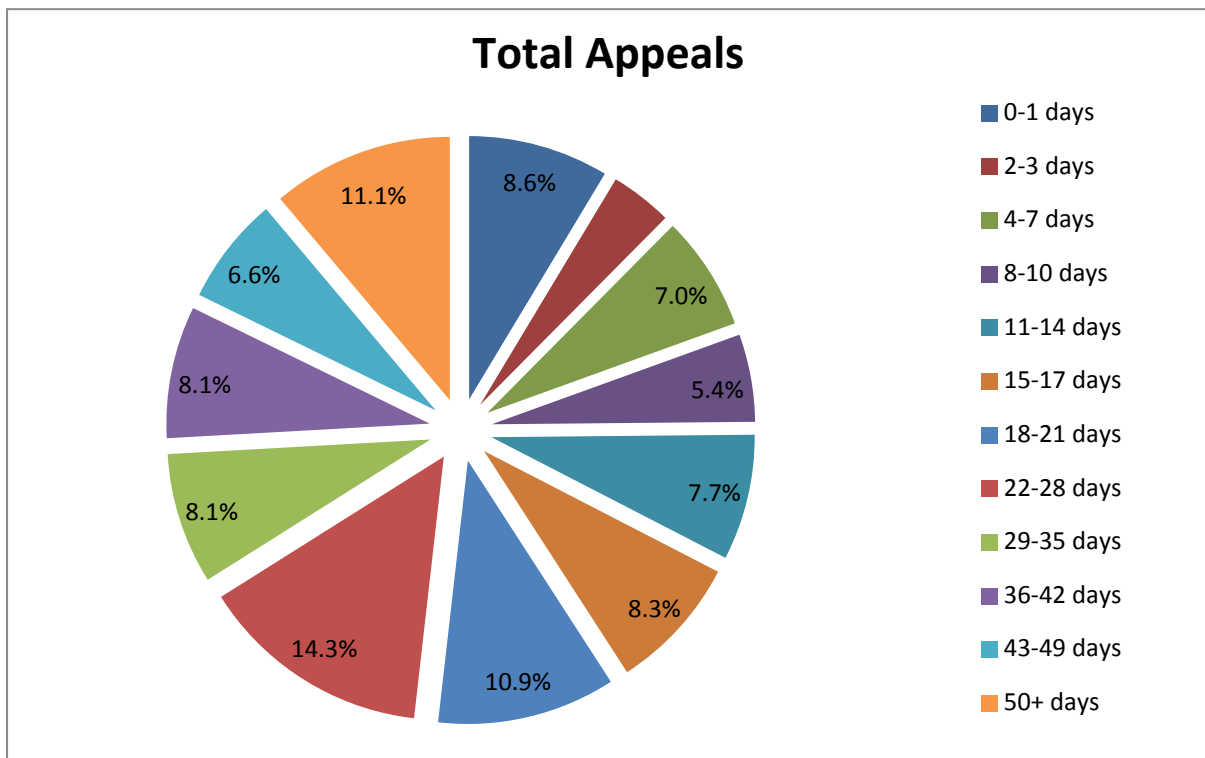
8.4 The online case management system, FOAM, has been built upon the following principles:



Principles behind FOAM (Fast Online Appeal Management)

8.5 The following graph provides a breakdown of case closure times across all appeal streams in FOAM. In summary:

- Depending on the appeal stream, up to 16% of cases are closed within a single day.
- Depending on the appeal stream up to 24% of cases are closed within a week.
- One third of cases are closed within 14 days
- 60% of cases were closed within 28 days



**9. Offline appellants**

- 9.1 The current figure for off-line appellants is 12.5%. The customer service team take every opportunity to assist appellants to go online. This conversion rate is in the region of 25%.
  
- 9.2 From 1<sup>st</sup> April 2017, all local authorities have had access to FOAM. There will be some residual offline appeals from the final councils joining in the first few months of 2017 however the tribunal's customer service staff will endeavour to support them to go online. By the 2<sup>nd</sup> quarter these appeals should have run their course through