

Bus Lane Adjudication Service Joint Committee

Executive Sub Committee

Agenda

Date: Tuesday 25th January 2022

Time: 11.30 am or on the rise of the PATROL Joint Committee Executive Sub Committee

Venue: Park Plaza County Hall London, SE1 7RY

1. **Apologies for Absence**
To receive apologies for absence.
2. **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.
3. **Minutes of the meeting held 26th October 2021.**
To approve the minutes of the BLASJC Adjudication Joint Committee held 26th October 2021 (**enclosed pages 2 - 6**).
4. **Chair's Update (verbal)**
To provide the Joint Committee with a general update since the last meeting.
5. **Chief Adjudicator's Update (verbal)**
To receive an update from the Chief Adjudicator
6. **Budget Monitoring 2021/22**
To note income, expenditure and reserves at 31st November 2021 together with the projected outturn at 31st March 2022 (**enclosed pages 7 - 9**)
7. **Revenue Budget for 2022/23**
To establish the Joint Committee's Revenue Budget for 2022/2023 (**enclosed pages 10 -12**)
8. **Reserves Policy Statement**
To approve the reserves policy statement for 2022/2023 (**enclosed pages 13 - 15**)
9. **Defraying the expenses of the Joint Committee 2021/22**
To approve the basis for defraying the expenses of the Joint Committee 2022/2023 (**enclosed pages 16 - 17**)

Items common to PATROL and Bus Lane Adjudication Service Joint Committee

10. Delayed Decisions Report

To report on progress that has been made on issuing decisions against delayed decisions since the meeting of 26th October 2021.

11. PATROL AND BLASJC Resources Working Group and Sub Committee

To report on the PATROL and BLASJC Resources Working Group meeting held on 16th December 2020 (enclosed)

12. Risk Management Framework

To note the latest review of the Risk Register (enclosed)

13. Annual Investment Strategy

To approve the annual investment strategy 2022/2023 (enclosed)

14. Appointment of External Auditor

To approve the appointment of External Auditors for the periods 2021/22 to 2023/24.

15. Traffic Penalty Tribunal General Progress Report

To provide information in respect of the Traffic Penalty Tribunal's activities and initiatives (enclosed) and to note the response to a recent MOJ consultation on dispute resolution (enclosed as an appendix to this report).

16. Public Affairs Overview

To note the update in relation to a range of public affairs matters (enclosed).

17. Date of Next Meeting:

12th July 2022 Park Plaza, County Hall, London (TBC) followed by the PACER Awards at the House of Commons (TBC)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Bus Lane Adjudication Service Joint Committee**

held on 26 October 2021 at The Park Plaza County Hall, London, SE1 7RY

PRESENT

Councillor Tony Page (Reading Borough Council) in the Chair

Jo Abbot - Advisory Board

Sarah Baxter - Cheshire East Council

Andy Diamond - PATROL

Laura Padden - Director of PATROL

Marc Samways – Hampshire County Council/Advisory Board

Caroline Sheppard OBE - Traffic Penalty Tribunal

Iain Worrall - Traffic Penalty Tribunal

19. Apologies for Absence

Apologies for absence were reported as follows:-

Councillor Manda Rigby - BATHNES

Councillor Carol Thirkill - Bradford City Council

Councillor Steve Davis - Brighton & Hove City Council

Councillor Tim Rippington - Bristol City Council

Councillor Abdul Khan/Patricia Hetheron - Coventry City Council

Councillor John Shuttleworth - Durham County Council

Councillor Phil Bibby - Hertfordshire County Council

Councillor Samuel Gardiner - Nottingham City Council

Councillor Peter Davis - Oldham Metropolitan Brough Council

Councillor James Smith - Stoke City Council

Councillor Warren Bray - Tameside County Council

Councillor Vera Waters - Walsall Metropolitan Council

Councillor Andy D'Agorne – York City Council

In addition apologies were received from Graham Addicott OBE, George Broughton, Stephen Knap, Paul Nicholls and Richard Waters.

20. Declarations of Interest

There were no declarations of interest.

21. Minutes of the meeting held 13 July 2021

RESOLVED

That the minutes of the meeting held on 13 July 2021 be approved as a correct record subject to the deletion of the words 'for the meeting' in respect of Minute No.1 Appointment of Chair and Vice Chair.

22. Chair's Update (Verbal)

There was no further update to what had been reported at the PATROL meeting.

23. Chief Adjudicator's Update (Verbal)

There was no further update to what had been reported at the PATROL meeting.

24. Audit Commission Small Bodes Annual Return for the Year Ended 31 March 2021

Consideration was given to a report on the Audit Commission Small Bodes Annual Return for the Year Ended 31 March 2021.

RESOLVED

That the findings of the external audit for 2021/2021 in the enclosed annual return (Appendix 1) be noted.

25. Budget Monitoring-Review of Reserves and Basis for Defraying Expenses

Consideration was given to a report on the review of income and expenditure, cost allocation, reserves and the basis for defraying expenses 2021/22 for BLASJC.

RESOLVED

1. That the income and expenditure position at 31 July 2021 against the budget and the resulting basis for defraying expenses approved for the year 2021/22 at the meeting of the Executive Sub Committee held on 26 January 2021 be noted.

2. That the recommendation for defraying expenses during the second half of 2021/22 be noted.

Items common to PATROL and Bus Lane Adjudication Service Joint Committees

26. Report of the PATROL and BLASJC Resources Working Group

The Committee considered reports of the PATROL and BLASJC Working Group meetings held on 25 March 2021, 24 June 2021, and 23 September 2021 and to approve the updated Terms of Reference.

RESOLVED

1. That the matters discussed at the meetings since the Executive Sub Committee held in January 2021 be noted.

2. That approval be given to the Resources Sub Committee and Working Group overseeing matters highlighted in the report and reporting back to the next meeting of the Joint Committees or their Executive Sub Committees.

27. General Progress Report

Consideration was given to the Traffic Penalty Tribunal (TPT) statistics, trends and initiatives during 2021/21 and the year ahead.

RESOLVED

That the progress report be noted.

28. Public Affairs Report

Consideration was given to a report outlining the Public Affairs activity throughout 2020/2021.

RESOLVED

That the report be noted.

29. Risk Register

Consideration was given to a report on the Risk Register.

RESOLVED

That the current assessment of risk be noted.

30. Appointments to the Advisory Board

Consideration was given to a report on the terms of reference for the Advisory Board and recommendations for appointments for 2021/2022.

RESOLVED

1. That the terms of reference and composition of the Advisory Board as set out in the appendix to the report be adopted.
2. That the appointment of Michael Clarke of City of Stoke on Trent to the Advisory Board for a period of four years until the Joint Committee's annual meeting in July 2025 be approved.
3. That the extension of Graham Addicott OBE as an Independent Member to July 2022 be approved.

31. Date of Next Meetings

It was noted that the date of the next meetings would be Tuesday 25 January 2022 and 12 July 2022.

The meeting commenced at 11.35am and concluded at 11.45am.

Councillor Tony Page (Chair)

PATROL and Bus Lane Adjudication Service Joint Committees Advisory Board

Date of Meeting	7 th December 2021
Report of:	The Director
Subject/Title:	Review of Income and Expenditure & Reserves for 2021/22 for BLASJC

1.0 Report Summary and Recommendation

- 1.1 To inform recommendations to the Executive Sub Committee meeting on 25th January 2022, based on the financial position at end September 2021.
- 1.2 To note the Reserves position at end September 2021 against the budget and the forecast Reserves position to for the year 2021/22 at the meeting of the Executive Sub Committee held 25th January 2022.

2.0 Reasons for Recommendations

- 2.1 Compliance with financial regulations.
- 2.2 To inform the Risk Register.

3.0 Income and Expenditure

	Year to Date			
	30/09/2021	30/09/2021	30/09/2021	30/09/2021
	Year to Date	Budget	Var to Budget	Var to Budget
Income	151,070	241,648	-90,578	-37.5%
Expenditure	254,438	338,899	84,461	24.9%
Surplus / (Deficit)	-103,368	-97,251	-6,117	-6.29%

- 3.1 At 30th September Income is £90,578 adverse to budget (37.5%), this is due to lower than anticipated PCNs issued in Q1. Trends indicate however that this will be reversed in Q3 and Q4 resulting in a positive variance to budget by March 2022 of circa £140,000.

Expenditure is positive to budget by £84,461 at September (24.9%). This is due to lower than anticipated costs recharged from PATROL and is expected to continue into Q3 and Q4.

More detailed analysis is provided at Appendix 1.

4.0 Reserves

to end September 2021	To Date	Budget	Var to Budget
Reserves b/f from 19/20	574,567	574,567	0
Surplus / (Deficit) for year 20/21	-85,772	-85,772	0
Surplus / (Deficit) for year 21/22	-103,368	-97,251	-6,117
Closing Balance	385,427	391,544	0
<i>Approved Reserves</i>	338,899	338,899	0
FREE Reserves to Date	46,528	52,645	-6,117
			0

Forecast to March 2022	To Date	Budget	Var to Budget
Reserves b/f from 19/20	574,567	574,567	0
Surplus / (Deficit) for year 20/21	-85,772	-85,772	0
Surplus / (Deficit) for year 21/22 - FORECAST	111,589	-194,502	306,091
Closing Balance	600,384	294,293	0
<i>Approved Reserves</i>	338,899	338,899	0
FREE Reserves to Date	261,485	-44,606	306,091

4.1 At September there is a Reserves balance of £385,427 giving a Free Reserves balance of £46,528 (against a budgeted balance of £52,645).

The Forecast Reserves position at March 2022 is a Free Reserves balance of £261,485 against a budgeted balance of negative £44,606. As detailed at 3.1 this is due to higher anticipated Income and lower anticipated costs.

More detailed analysis is provided at Appendix 1.

Appendix 1:

BUS LANE Outturn to 30/09/2021

	Year to Date				Full Year			
	30/09/2021	30/09/2021	30/09/2021	30/09/2021	31/03/2022	31/03/2022	31/03/2022	31/03/2021
	Actual	Budget	Var to Budget	Var to Budget	Forecast Outturn	Full Year Budget	Var to Budget	Prior Year Result
Income								
Bus Lane Income	151,012	240,148	-89,136	-37.12%	620,349	480,296	140,053	322,732
Interest	58	1,500	-1,442	-96.11%	116	3,000	-2,884	390
Total Income	151,070	241,648	-90,578	-37.48%	620,465	483,296	137,169	323,122
Expenditure:								
Supplies and Services Recharge	254,438	338,899	84,461	24.92%	508,876	677,798	168,922	412,844
Bad Debts	0	0	0	0.00%	0	0	0	-4,026
Other Charges	0	0	0	-	0	0	0	76
Total Expenditure	254,438	338,899	84,461	24.92%	508,876	677,798	168,922	408,894
Surplus / (Deficit)	-103,368	-97,251	-6,117	-6.29%	111,589	-194,502	306,091	-85,772

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
Executive Sub Committee Meeting

Date of Meeting: 25th January 2022
Report of: The Director on behalf of the Resources Working Group
Subject/Title: Budget estimates for 2022/23

1.0 Report Summary

1.1 To request the Joint Committee to adopt the budget estimates for 2022/23

2.0 Recommendation

2.1 It is recommended that the Joint Committee agree to adopt the revenue budget estimates for 2022/23 as detailed in the report.

3.0 Reasons for Recommendation

3.1 Compliance with the Joint Committee's Financial Regulations

4.0 Financial Implications

4.1 Detailed in the report.

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 Budget setting and forecasting forms part of the risk register.

7.0 Background and Options

7.1 In accordance with the Bus Lane Adjudication Service Joint Committee (BLASJC) Agreement and its Financial Regulations, it is necessary to establish a budget estimate for the forthcoming year. An assessment has been made of the likely service take up during 2022/23 and therefore the adjudicators, administrative support and accommodation needed. This report deals with the establishment of budgets to meet this level of demand.

- 7.2 The adjudication service is to be operated on a self-financing basis with income obtained from contributions from BLASJC member authorities.
- 7.3 In common with the budget setting process adopted by the PATROL Adjudication Joint Committee, no assumption is made about new councils joining in 2022/23.
- 7.4 It has been agreed that both parking and bus lane adjudications are to be 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.
- 7.5 An assessment has been made of the revenue budget that will be needed to meet the demands on adjudication during 2022/23.
- 7.6 The recharge mechanism takes 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.
- 7.8 The budget incorporates a contribution from the BLASJC surplus from previous years of £72,810.

In addition, reserves are also now placed on deposit for BLASJC, with a budgeted interest amount of £1,500 for 2022/23 compared to £3,000 in the previous year's budget.

- 7.9 The recharge from PATROL reflects an increase of £16,861 on the previous year's budget.

7.10

	FULL Budget 2020/21	FULL Budget 2021/22	FULL Budget 2022/23	Budget Var 21/22 to 22/23	ACTUAL 2020/21	Forecast 2021/22
Income						
Bus Lane Income	542,533	480,296	620,349	140,053	322,732	620,349
Interest	4,000	3,000	1,500	-1,500	390	116
Total Income	546,533	483,296	621,849	138,553	323,122	620,465
Expenditure:						
Supplies and Services	664,428	677,798	694,659	-16,861	412,844	508,876
Bad Debts	0	0	0	0	-4,026	0
Bank Charges	0	0	0	0	76	0
Total Expenditure	664,428	677,798	694,659	-16,861	408,894	508,876
Surplus / (Deficit)	-117,895	-194,502	-72,810	121,692	-85,772	111,589

8.0 Reserves

TOTAL Reserves to 31st March 2021	488,795
Forecast Surplus / (Deficit) 21/22	111,589
<i>FORECAST Reserves 31.03.22</i>	600,384
Proposed Budget for 2022/23	-72,810
Forecast Reserves at 31.03.23	673,194
<i>proposed Approved Reserve</i>	347,330
FREE Reserves	325,864

8.0 Recommendation

- 8.1 It is recommended that the Joint Committee agrees to adopt the revenue budget estimates for 2022/23 as detailed in the report.

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 25th January 2022
Report of: The Director in consultation with the PATROL and BLASJC
Resources Working Group
Subject/Title: Reserves Policy Statement

1.0 Report Summary

1.1 To propose a Reserves Policy Statement for the Joint Committee for 2022/23.

2.0 Recommendation

2.1 To approve the Reserves Policy Statement for 2022/23 and the total approved reserve level for 2022/23 of £347,330. This represents 50.0% of the overall annual bus lane budgeted costs and compares to £338,899 for 2021/22.

2.2 To approve the balances of any surplus from 2021/22 being carried forward to 2022/23.

2.3 To approve the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from general reserves to meet budgetary deficits.

3.0 Reasons for Recommendations

3.1 Compliance with Financial Regulations

4.0 Financial Implications

4.1 The Reserves Policy Statement contributes to the self-financing objectives of the Joint Committee.

5.0 Legal Implications

5.1 The Reserves Policy Statement will enable contractual obligations to be met.

6.0 Risk Management

6.1 The Reserves Policy Statement forms part of the Risk Management Strategy

7.0 Background and Options

- 7.1 BLASJC has built up a body of reserves which ensures the continuation of service should there be an unexpected downturn of income or unforeseen expenditure. The availability of reserves is central to maintaining the Joint Committee's ability to self-finance and reduce the likelihood of having to call on additional resources mid-year.
- 7.2 At the meeting in October 2018, the Executive Sub Committee approved the policy for the BLASJC reserves. This was determined based on BLASJC contributing to the PATROL overall reserve relative to its contribution to total income.
- 7.3 The availability of reserves has enabled the PATROL and the BLAS Joint Committees to be self-financing during the Covid-19 pandemic.

The PATROL reserve comprises the following elements:

- a) General Reserve
- b) Technology Reserve
- c) Property Reserve.
- d) Research and Innovation Reserve

The contribution of £347,330 represents 15.5% of the PATROL overall approved reserve (compared to 15.1% % for 2021/22) and 50.0% of the BLASJC overall budget as in previous years.

It is recommended that for 2022/23 the BLASJC set an approved reserve level of £347,330 as a contribution towards the PATROL Combined Reserve (a-d). This will be reviewed on at least an annual basis.

- 7.3 It is anticipated that BLASJC reserve will reach £673,194 at the 31st March 2023 and therefore sufficient reserves will be in place to accommodate the recommended approved reserve of £347,330 for 2022/23.

This will leave budgeted BLASJC Free Reserves at 31st March 2023 of £325,864 to meet any budgetary deficits in 2022/23.

Forecast Reserves to March 23:

Closing Reserves 2019/20 and Opening 20/21	574,567
Surplus / (Deficit) 2020/21	-85,772
FORECAST TOTAL Reserves to 31st March 2021	488,795
Forecast Surplus / (Deficit) 21/22 ytd	111,589
FORECAST Reserves 31.03.22	600,384
Proposed Budget for 2022/23	-72,810
Forecast Reserves at 31.03.23	673,194
<i>proposed Approved Reserve</i>	347,330
FREE Reserves	325,864

- 7.4 The Bus Lane Adjudication Service Joint Committee will monitor income and expenditure during 2022/23 to keep the Reserves Policy Statement under review. Any additional balances will be taken into account in setting the budgets and approving the basis for defraying expenses.

8.0 Access to Information

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

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BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 25th January 2022
Report of: Director in consultation with the PATROL and BLASJC Resources Working Group
Subject/Title: Defraying the expenses of the Joint Committee 2022/23

1.0 Report Summary

1.1 To establish the basis for those participating in the Joint Committee to contribute to its expenses during 2022/23.

2.0 Recommendations

2.1 To maintain the rate of 30 pence per PCN and review at the meeting in October 2022 in the light of six-months income and expenditure information.

2.2 There will be no annual charge or cost per case payable.

2.3 Invoicing will be undertaken based on monthly submissions from authorities as in 2021/22.

3.0 Reasons for Recommendations

3.1 Compliance with Financial Regulations

4.0 Financial Implications

4.1 Detailed in the report

5.0 Legal Implications

5.1 In accordance with the Bus Lane Adjudication Service Joint Committee (BLASJC) Agreement

6.0 Risk Management

6.1 Identified within the Risk Management Strategy.

7.0 Background and Options

7.1 The Joint Committee provides the means to appeal to an independent adjudicator in respect of civil bus lane enforcement in England (outside London).

- 7.2 The BLASJC agreement provides for the adjudication service to be operated on a self-financing basis with expenses shared by participating. Where authorities are working in partnership, it is practice only to charge those enforcement authorities who manage the enforcement income stream.
- 7.3 Budgeting takes account of the number of new councils that have joined the scheme during 2021/22 but not those forecast to join in 2022/23 as in previous budgets. This therefore a prudent budget.
- 7.4 The recommendation for defraying expenses in 2022/23 is:
- To maintain the rate of 30 pence per PCN and review at the meeting in October 2022 in the light of six-months income and expenditure information.**
- 7.5 This is anticipated to result in a **contribution from Reserves** of £72,810 for the year 2022/23.

Forecast Reserves to March 23:

Closing Reserves 2019/20 and Opening 20/21	574,567
Surplus / (Deficit) 2020/21	-85,772
TOTAL Reserves to 31st March 2021	488,795
Forecast Surplus / (Deficit) 21/22	111,589
FORECAST Reserves 31.03.22	600,384
Proposed Budget for 2022/23	-72,810
Forecast Reserves at 31.03.23	673,194
<i>proposed Approved Reserve</i>	<i>347,330</i>
FREE Reserves	325,864

It is anticipated that the BLASJC Free Reserves at 31st March 2023 following the drawdown of £72,810 will be £325,864.