

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

**To be held on Tuesday 26th June 2012 at 12 noon or the rise of the
PATROL ADJUDICATION JOINT COMMITTEE**

At Warwickshire County Cricket Club, The County Ground, Edgbaston, Birmingham, B5 7QU.

AGENDA

PART A

- 1. APPOINTMENT OF CHAIR AND VICE CHAIR**
To appoint Members to serve as Chair and Vice Chair of the Joint Committee. (These appointments to be effective until the next Annual Meeting)
- 2. URGENT BUSINESS**
To consider any items which the Chair has agreed to have submitted as urgent.
- 3. ACCESS TO INFORMATION ACT**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 4. DECLARATIONS OF PECUNIARY / NON-PECUNIARY INTERESTS**
To allow Members an opportunity to [a] declare personal or prejudicial interests in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; and [c] the existence and nature of any party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that interest at the start of the item under consideration. If members also have a prejudicial interest they should withdraw from the meeting during the consideration of the item.
- 5. MINUTES**
To approve the minutes of the Bus Lane Adjudication Joint Committee at its meeting held on 31st January 2012
[Enclosed]
- 6. MINUTES OF THE PATROL ADJUDICATION JOINT COMMITTEE AND BUS LANE ADJUDICATION SERVICE APPOINTMENT SUB COMMITTEE**
To note the minutes of the Appointment Sub Committee meeting held 29 February 2012.
[Enclosed]
- 7. TRIBUNAL GENERAL PROGRESS AND SERVICE STANDARDS**
To provide general information in respect of the tribunal's initiatives and standards.
[Report Enclosed]
- 8. RISK REGISTER**
To review the Risk Management Strategy, approve the Business Continuity Management Policy and note the latest review of the Risk Register.
[Report Enclosed]
- 9. BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE FINANCIAL REGULATIONS AND PROCUREMENT**
To approve amendments to the Joint Committee's Financial Regulations and receive a report on procurement.
[Report Enclosed]

- 10. DRAFT ANNUAL RETURN FOR 2011/12**
To submit for approval the draft Annual Return of the Joint Committee for 2011/12.
[Report Enclosed]
- 11. APPOINTMENT OF AUDITORS FOR FIVE YEARS FROM 2012/13**
To approve the response to the Audit Commission in respect of their consultation on the appointment of external auditors.
- 12. ANNUAL REVIEW OF GOVERNANCE DOCUMENTATION**
To approve Standing Orders and Rules of Financial Management, Scheme of Delegation and Cycle of Meetings.
[Report Enclosed]
- 13. APPOINTMENTS TO THE ADVISORY BOARD**
To note the arrangements for establishing the Advisory Board for 2012/13
[Report Enclosed]
- 14. LEAD AUTHORITY ARRANGEMENTS**
To receive a progress report on Lead Authority arrangements
[Report Enclosed]
- 15. DATE OF NEXT MEETING: TUESDAY 25 SEPTEMBER 2012**

SIR HOWARD BERNSTEIN
Chief Executive
Manchester City Council
Town Hall, Albert Square
Manchester M60 2LA

CONTACT OFFICER
Chris Shepherd
Governance and Scrutiny Support
Tel: 0161 234 3043
Fax: 0161 274 7017

AGENDA ISSUED: 18th June 2012

Minutes of a meeting of the Bus Lane Adjudication Service Joint Committee held on 31 January 2012 at the Warwickshire County Cricket Club, Edgbaston, Birmingham.

Present:

Councillor Page – Reading Council
Councillor Ian Davey – Brighton & Hove City Council
Councillor Watson – Stoke-on-Trent City Council
Councillor Phrynette Dickens – Hampshire County Council (Chair)

Also Present:

John Satchwell – Chair, Advisory Board
Caroline Sheppard, Chief Adjudicator, Traffic Penalty Tribunal
Louise Hutchinson, Head of Service, PATROL
Chris Shepherd for PATROL Secretary
Andrew Barfoot – Traffic Penalty Tribunal
Miles Wallace – PATROL
Kelly Cornell – PATROL
Michael Clarke – Stoke City Council
Paul Thomas – Cardiff City Council
Marc Samways – Hampshire County Council

BLAS/12/01 Minutes

To approve as a correct record the minutes of the meeting held on 28 September 2011.

BLAS/12/02 Lead Authority arrangements

A report was submitted which provided the background documentation in respect of the Lead Authority arrangements to the Joint Committee. The Committee noted that the current Lead Authority, Manchester City Council, had given formal notice of their intention to relinquish this role in accordance with the terms of PATROL Adjudication Joint Committee Agreement. The Agreement allows for the notice period to be shortened by mutual consent and Manchester City Council had indicated that their preference would be for a new Lead Authority to be appointed as soon as possible.

The Head of Service for PATROL reported that three authorities had expressed an interest, namely – Cheshire East, Oxfordshire and Doncaster. It was proposed to ask these authorities to bring forward proposals by mid February in order to progress this matter.

Decision

1. To note the contents of Schedule 6 and Section 4 of the PATROL Adjudication Joint Committee Agreement
2. To note that the current Lead Authority has served notice on the Joint Committee
3. To record thanks to Manchester City Council for its services to the Joint Committee.
4. To note the intention to identify a new Lead Authority in order to facilitate a transfer of the Lead Authority function and agree a timescale for reviewing: the documentation which supports this arrangement; the services provided and the options for operating models.
5. To delegate authority to the Appointments Sub Committee to progress the appointment of a new Lead Authority with a view to reporting to the June 2012 meeting.

BLAS/12/03 Report of the Appointment Sub Committee and Working Group

The Appointments Sub Committee reported that:

1. The time commitment for the new Chief Adjudicator should be full time and note less than 4 days per week (in which case the salary would be adjusted accordingly)
2. Flexibility to change the time commitment of the Chief Adjudicator should be built into the terms of appointment and made clear during the recruitment process subject to further review of the legal position and advice from the Lead Authority's personnel advisors.
3. There is a presumption of renewal beyond the five year fixed term contract for the Chief Adjudicator.
4. The recruitment exercise is to be restricted to existing adjudicators and ex adjudicators and other suitably qualified candidates. Experience of the jurisdiction will be stated as desirable.
5. The approved salary is equivalent to Grade 6.2 on the Judicial Salaries Scales.
6. Advice will be sought from the Judicial Appointments Department of the Ministry of Justice in respect of the process to ensure that it meets with the Lord Chancellor's approval.
7. Quotations will be obtained from appropriate recruitment agencies and the Judicial Appointments Commission (if this is available) in accordance with the appropriate process.
8. If it achieves best value, the recruitment of part-time adjudicators will be combined with the Chief Adjudicator process.
9. The final interview panel will be considered by the Appointments Sub Committee following advice from the Judicial Appointments Department of the Ministry of Justice.

10. Interim arrangements will be put in place beyond 31 March to coincide with the identification of a new Lead Authority. The existing Chief Adjudicator has continued to work on a part-time basis at the pro-rata equivalent of Grade 6.2.
11. A timetable has been agreed for progressing the recruitment process.

BLAS/12/04 Annual Report of the Parking Adjudicators

A report was submitted which appended the annual report from the Adjudicators for the 12 month period from April 2010 to March 2011. This would be forwarded to the Secretary of State for Transport and the First Minister.

Decision

1. To receive the annual report from the Adjudicators for the period April 2010 to March 2011.
2. To agree to forward to the Secretary of State.
3. To agree that the report is published and circulated free of charge.

BLAS/12/05 General Progress and Service Standards

A report was submitted to the Committee on progress in respect of: (a) the take up of civil enforcement of bus lanes powers by Councils in England [outside London]; (b) general progress and service standard information.

Decision

1. To note the information in respect of the take up of civil bus lane enforcement powers.
2. To note the performance information.

BLAS/12/06 Risk Register

The Committee received a report on the most recent review of the risk register.

Decision

1. To review the current evaluation of risk.
2. To note the arrangements for management of risk in accordance with the risk matrix set out in the report.

BLAS/12/07 Internal Audit

The Head of Service outlined the internal audit arrangements for the Bus Lane Adjudication Service Joint Committee.

Decision

1. To approve the adoption of the format of the PATROL Internal Audit Strategy for the Bus Lane Adjudication Service Joint Committee subject to changes in relation to the scope of the document and specifically the relationship with external audit as well as specification of relationships.

BLAS/12/08 Budget Monitoring of Revenue Expenditure

A report was submitted which presented the expenditure monitoring information in respect of the Revenue Account for the year 2011/12.

Decision

1. To note the income and expenditure position at 30 November 2011
2. To authorise the Lead Officer to incur expenditure against the revenue budget in excess of the £246, 297 set by the Committee should the need arise, provided such expenditure is within the total income.
3. To agree that should there be a surplus of income in the 2011/12 revenue account this is to be carried forward to year 2012/13

BLAS/12/09 Budget estimates 2012/13

A report was submitted which detailed the Revenue Budget estimates for 2012/13.

Decision

To agree to adopt the Revenue Budget estimates for 2012/13 as detailed in the report.

BLAS/12/10 Defraying the expenses of the Joint Committee 2012/13

A report was submitted explaining the need to establish the basis for local authorities who are participating in the Joint Committee's arrangements to contribute to expenses during 2012/13

1. To share the Joint Committee's expenses between member authorities in proportion to the number of PCNs issued on the following basis for 2012/13

ELEMENT	CHARGE
Annual Charge	£nil
Charge per PCN Issued	£0.60 pence

2. To review the arrangements for defraying expenses once the new case management system and web portal has been introduced.
3. To approve that local authorities are invoiced quarterly in advance based on estimated figures and subsequently adjusted.
4. To note 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 cost of making a transcription from the audio recording of proceedings at a personal 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.

BLAS/12/11 Date of next meeting

To note the next meeting will be held on 26 June 2012.

**PATROL ADJUDICATION JOINT COMMITTEE AND BUS LANE ADJUDICATION
SERVICE JOINT COMMITTEE
MINUTES OF APPOINTMENT SUB COMMITTEE MEETING HELD
29 FEBRUARY 2012**

1. Appointment of chair

Cllr Gregory was appointed to the chair

2. Urgent business

None

3. Access to Information act

No appeals from members of the public had been received

4. Declarations of pecuniary/ non pecuniary interests

None declared

5. Recommendations of the Appointment Working Group

The recommendations made by the Appointment Working Group were accepted by the sub committee namely:

Lead Authority Arrangements

- a) Proceed with Cheshire East Council as the preferred host authority subject to developing a detailed proposal and project plan for consideration by the Joint Committee. The detailed proposal will include whether a phased approach is possible, premises proposals, the arrangements for transferring and supporting staff in the move.
- b) Liaise with Manchester City Council to prepare for the transfer in terms of staff contracts, lease and other matters affected by it.
- c) Maintain the option of developing the South Yorkshire Joint Secretariat proposal if required and, in any event, consider the option of utilising SYJS services in the future, if appropriate.
- d) Thank Oxfordshire County Council for their interest.

Appointment of new Chief Adjudicator

- e) The Joint Committee will make the appointment of Chief Adjudicator following the panel's recommendation on conclusion of the recruitment process outlined within the discussion document
- f) The Chief Adjudicator to be requested to confirm formally her willingness to remain in post until the Lead Authority arrangements are finalised.

Potential New Areas of Adjudication

- g) The Appointment Sub Committee noted the early discussions held around potential new areas of adjudication outlined by the Chief Adjudicator.

6. Any Other Business

None

REPORT FOR INFORMATION

SUBJECT General Progress and Service Standards

JOINT REPORT OF: The Lead Officer on behalf of the Advisory Board

PURPOSE OF REPORT

To report to the Committee on progress in respect of: (a) the take up of civil bus lane enforcement powers by Councils in England (outside London) and information in relation to general progress and service standards.

RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Notes the information provided in the report in respect of the current take up of civil bus lane enforcement powers.
- [ii] Notes the information in relation to appeals activity.
- [iii] Notes the information in relation to service standards.
- [iv] Notes the additional general progress information.

CONTACT OFFICER

Louise Hutchinson, Joint Committee Services, PATROL, Barlow House, Minshull Street,
Manchester Tel: 0161 242 5270

1. PERIOD OF REPORTING

The statistical report at Appendix 1 provides information in relation to the period April 2011 to March 2012.

2. COUNCILS IN THE SCHEME

During the period 2011/12 six new councils have joined the scheme. These are: Bradford City Council, Bury Council, City of Stoke on Trent, Coventry City Council, Gloucestershire County Council and South Tyneside Council,

3. RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Notes the information provided in the report in respect of the current take up of civil bus lane enforcement powers.
- [ii] Notes the information in relation to appeals activity.
- [iii] Notes the information in relation to service standards.
- [iv] Notes the additional general progress information.

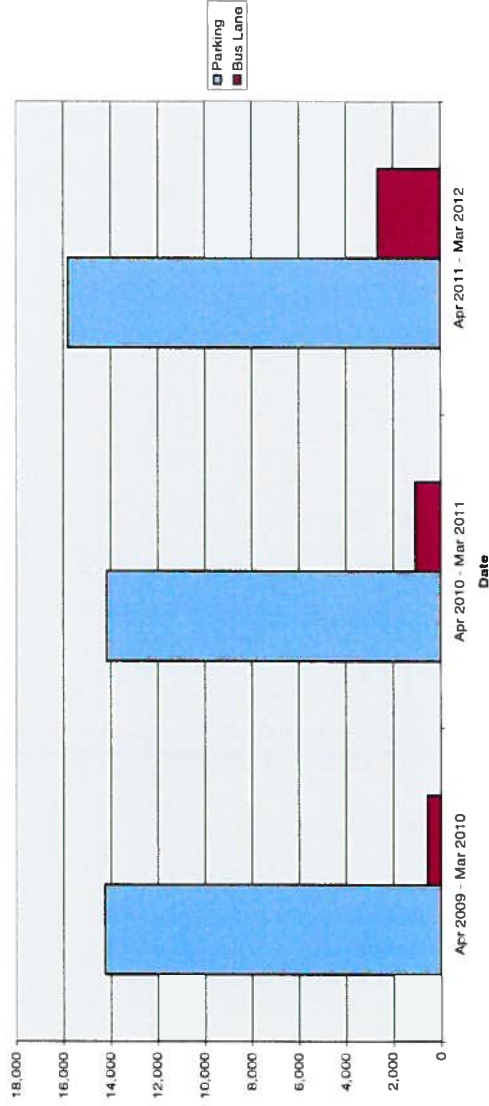
**ITEM 7 : APPENDIX 1
STATISTICAL REPORT 2011/12**

1. Appeal Numbers

The table below shows the total number of appeals and witness statements received by the Tribunal. Parking appeals have shown an increase of 11.5% and Bus Lanes appeals have doubled.

	Parking	Bus Lane	Total
Apr 2009 - Mar 2010	14,262	562	14,824
Apr 2010 - Mar 2011	14,172	1,068	15,240
Apr 2011 - Mar 2012	15,808	2,640	18,448

Number of Appeals



73% of cases heard during 2011/12 were decided on the papers (postal cases), 11% via a personal hearing and 17% via a telephone hearing.

2. Acknowledgement of appeals within two working days

PERIOD	ACTUAL	TARGET
2009/10	97%	95%
2010/11	98%	95%
2011/12	99%	95%

3. Time taken to answer the telephone

PERIOD	ACTUAL	TARGET
2009/10	96.84	90%
2010/11	96.03	95%
2011/12	96.01	95%

4. Case Closure

Appealing to the Traffic Penalty Tribunal is a judicial process and, as such, it is not appropriate to set out rigid timescales for deciding appeals, however the tribunal's objective is to "To provide a tribunal service which is user-focused, efficient timely, helpful and readily accessible". In June 2007 the Joint Committee approved the following targets:

Personal Hearings
60% of cases to be offered a personal hearing date within 8 weeks of receipt of the Notice of Appeal.
90% of cases to be offered a personal hearing date within 12 weeks of receipt of the Notice of Appeal
Postal Decisions
80% of postal decisions to be made within 7 weeks of receipt of the Notice of Appeal.

The reports on case closure include all cases which were registered during 2011/12 and have been decided (data is also included for the year ending 31 March 2011 for comparison). This data will include cases that have been delayed for the following reasons.

Requests from parties to the appeal:

- Additional time to submit evidence
- Requests for adjournment of hearings
- Inconvenience of hearing time/venue
- Availability of witnesses

Adjudicators may require:

- Adjournments for additional evidence or submissions
- A personal hearing supplemented by a later telephone hearing to consider additional evidence.
- Consolidation of cases which relate to a common issue.
- Holding cases pending a particular Decision of the Traffic Penalty Tribunal or High Court

The following tables provide case closure times in respect of:

Parking (England)

- The average number of weeks between registration of an appeal and the decision being issued across all hearing types.
- The percentage of postal cases being decided within 7 weeks of registration reached 90% in the final quarter.
- The percentage of personal and telephone hearing cases being decided within 8 weeks of registration reached 49% and 92% respectively in the final quarter.
- In the final quarter, the percentage of cases of all hearing types with less than 12 weeks between registration and decision was 98%, (postal cases), 91% (personal hearings), and 97% (telephone hearings)

Parking (Wales)

- The average number of weeks between registration of an appeal and the decision being issued has remained stable across all hearing types.
- The percentage of postal cases decided within 7 weeks of registration has remained stable at 88% in the final quarter.

- The percentage of personal and telephone hearings cases being decided within 8 weeks of registration has remained broadly in line with those in 2010/11 i.e. 20% (personals) and 66% (telephones)
- In the final quarter, the percentage of cases of all hearing types with less than 12 weeks between registration and decision was 97% (postal cases) 90% (personal and telephone hearings)

Bus Lanes (England)

- In the final quarter the average number of weeks between registration of an appeal and the decision being issued returned to a similar level as in 2010/11 i.e. 6 weeks. Personal hearings reduced to just under 10 weeks and telephone hearings reduced to 6 weeks.
- The percentage of postal cases decided within 7 weeks of registration in the final quarter returned to 2010/11 levels at 71%
- The percentage of personal and telephone hearing cases being decided within 8 weeks of registration reached 35% in the final quarter (personal hearings) and 84% (telephone hearings)
- In the final quarter, the percentage of cases of all hearing types with less than 12 weeks between registration and decision showed an increase on 2011/12 with 87% (postals), 85% (personal hearings) and 96% (telephone hearings).

Case Closure: Disposal of Cases – Parking (England)

Percentage type of Hearing	96.41%	98.56%	99.71%	97.87	98.66%	93.43%	77.31%	63.13%	91.22%	91.96%	98.14%	95.82%	94.49%	97.37%
	Apr '10	Apr - Mar 2011	Jul - Sep 2011	Oct - Dec 2011	Jan - Mar 2012	Apr - Jun 2011	Jul - Sep 2011	Oct - Dec 2011	Jan - Mar 2012	Apr - Mar 2011	Apr - Jun 2011	Jul - Sep 2011	Oct - Dec 2011	Jan - Mar 2012
Average no of weeks between registration and decision issued	5.42	4.75	4.35	5.06	4.47	8.79	10.29	10.29	8.81	7.70	6.60	6.51	7.31	5.59
Cases with less than 7 weeks between registration and decision (postal target)	7499	2006	2250	1948	2283	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Percentage	79.64%	n/a	93.36%	84.84%	90.06%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Cases with less than 8 weeks between registration and decision (personal / telephone target)	n/a	n/a	n/a	n/a	n/a	134	34	72	73	957	323	391	385	460
Percentage	n/a	n/a	n/a	n/a	n/a	48.91%	28.57%	21.24%	49.32%	70.63%	85.90%	81.63%	75.79%	92.93%
Cases with less than 12 weeks between registration & decision	9078	2254	2403	2247	2501	256	92	214	135	1246	369	459	480	482
Percentage	n/a	n/a	n/a	n/a	n/a	35.71%	28.57%	21.24%	49.32%	70.63%	85.90%	81.63%	75.79%	92.93%

Case Closure Times – Parking (Wales)

Type of Hearing	Postal					Personal					Telephone						
	Apr '10 Mar 2011	Apr - 2011	Jul - 2011	Oct - 2011	Jan - 2012	Apr - 2011	Jul - 2011	Oct - 2011	Jan - 2012	Apr - 2011	Jul - 2011	Oct - 2011	Jan - 2012	Apr - 2011	Jul - 2011	Oct - 2011	Jan - 2012
Average no of weeks between registration and decision issued	4.82	4.77	4.11	4.32	4.07	12.92	7.60	12	11.10	8.16	7.05	6.48	7.44	6.90			
Cases with less than 7 weeks between registration and decision (postal target)	251	94	117	102	111	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Percentage	82.57 %	87.04 %	95.12 %	91.89 %	88.80 %	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Cases with less than 8 weeks between registration and decision (personal / telephone target)	n/a	n/a	n/a	n/a	n/a	7	3	1	2	21	16	18	21	14			
Percentage	n/a	n/a	n/a	n/a	n/a	26.92 %	60.00 %	10 %	20 %	67.74 %	80.00 %	85.71 %	77.78 %	66.67 %			
Cases with less than 12 weeks between registration and decision (personal / telephone target)	274	106	122	110	122	12	4	6	9	29	20	18	26	19			
Percentage	98.92 %	98.15 %	99.19 %	99.10 %	97.60 %	75.00 %	80.00 %	60.00 %	90.00 %	93.55 %	100.0 %	85.71 %	96.30 %	90.48 %			

Case Closure Bus Lanes (England)

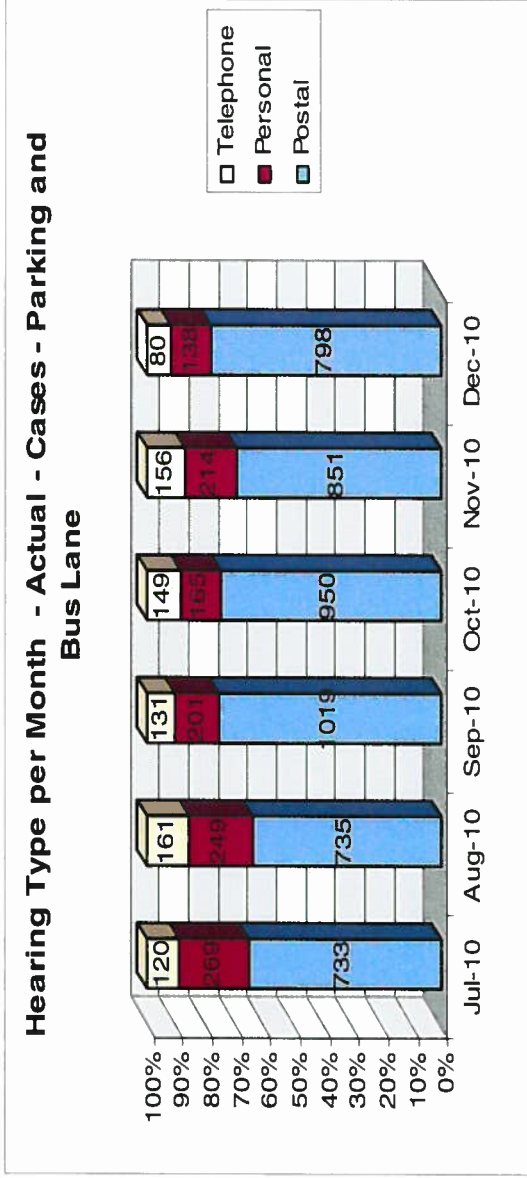
Type of Hearing	Postal					Personal					Telephone				
	Apr '10	Apr - 2011	Jun 2011	Jul - 2011	Oct - 2011	Jan - 2012	Apr - 2011	Jun 2011	Jul - 2011	Oct - 2011	Jan - 2012	Apr - 2011	Jun 2011	Jul - 2011	Oct - 2011
Average no of weeks between registration and decision issued	6.13	3.67	3.36	4.65	6.14	11.86	8.93	11.91	11.74	9.75	8.14	6.17	6.68	8.63	6.43
Cases with less than 7 weeks between registration and decision (postal target)	563	266	370	70	390	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Percentage	68.57%	91.10%	92.27%	85.86%	71.17%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Cases with less than 8 weeks between registration and decision (personal / telephone target)	n/a	n/a	n/a	n/a	n/a	26	7	2	4	7	70	26	39	44	49
Percentage	n/a	n/a	n/a	n/a	n/a	30.23%	46.67%	18.18%	10.26%	35.00%	67.69%	89.66%	82.98%	62.86%	84.48%
Cases with less than 12 weeks	723	291	390	484	479	51	13	5	23	17	88	29	46	60	56
Percentage	88.06%	99.66%	99.5%	97.78%	87.41%	59.30%	86.67%	45.45%	58.97%	85.00%	85.44%	100.0%	97.87%	85.71%	96.55%

5. Improving the accessibility of the tribunal

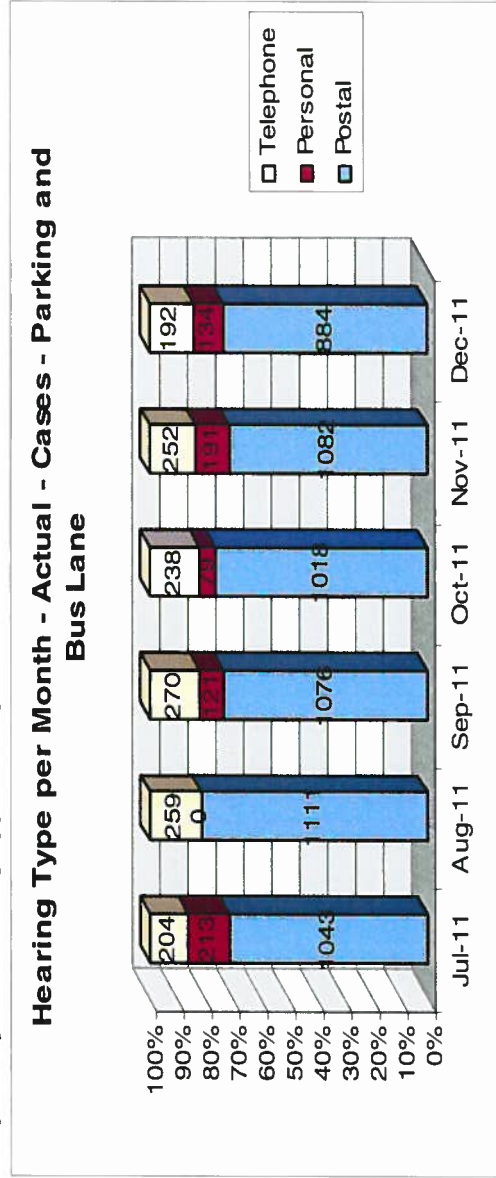
The tribunal has introduced a number of initiatives to increase the accessibility and efficiency of the Tribunal. The table below charts progress

Initiative	2009/10	2010/11	2011/12
Councils offering appeal on line	80	138	153 (prefixes)
Appeals received on line as a percentage of total appeals	6%	7%	9%
Councils engaged in electronic transfer	48	86	115
Councils engaged in TRO certification	190	201	222
Councils receiving correspondence by email	0	212	343 (prefixes)
Proportion of hearings by telephone	12%	13%	17%
Visits to Tribunal Web Site	-	5270 (April 2011)	7417 (March 2012)
Visits to PATROL Website	-	3272 (April 2011)	3782 (March 2012)

The following tables compare the proportion of hearing types during six month periods in 2010/11 and 2011/12.



Frequency of hearing types July to December 2010

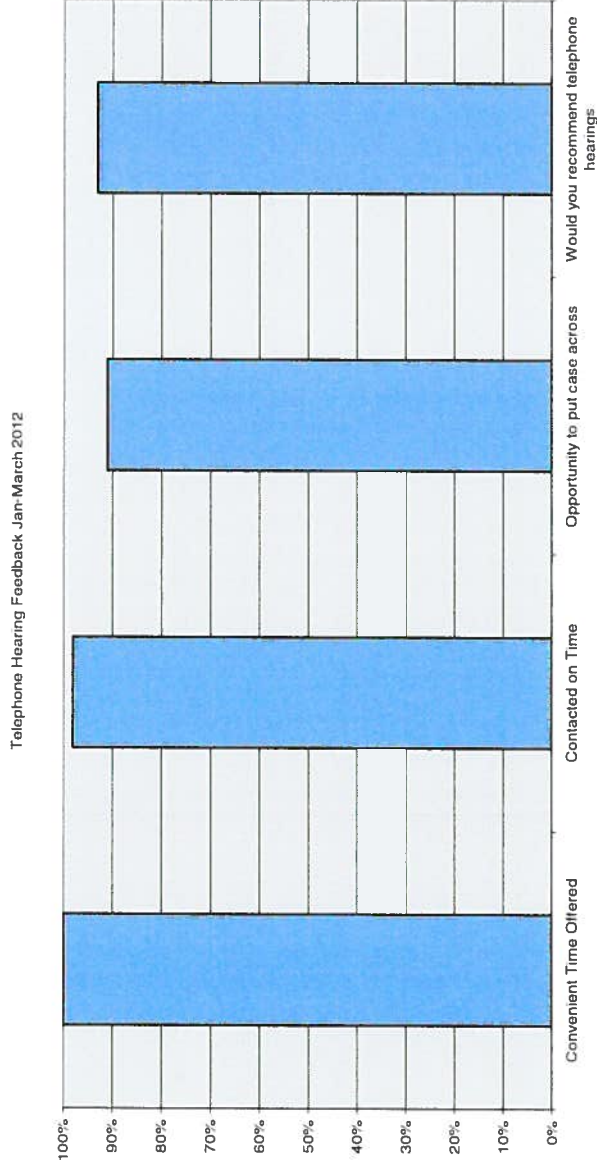


Frequency of hearing types July to December 2011

6. Appellant Feedback

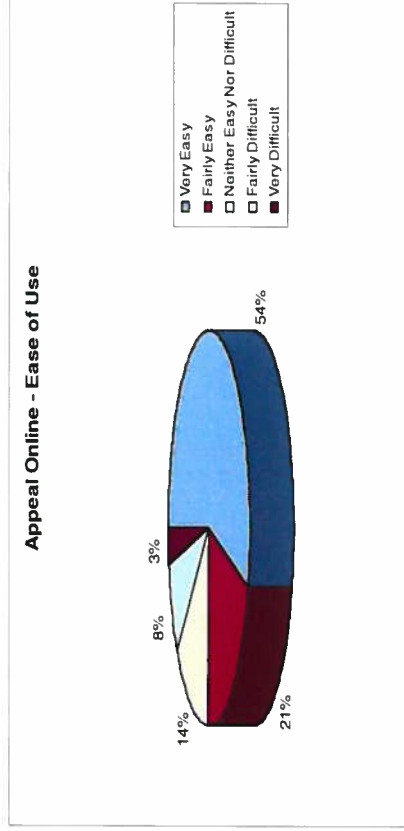
a) Telephone Hearing Feedback

Taking a snapshot of feedback from a 3 month period during 2011/12, the following feedback was received from appellants:



b) Appeal on Line Feedback

The following feedback was received through the Appeal on Line web site:



Would you use the Appeal Online function again?



FOR RESOLUTION

SUBJECT **Risk Register, Risk Management Strategy & Business Continuity Management Policy.**

REPORT OF **The Lead Officer on behalf of the Advisory Board**

PURPOSE OF THE REPORT

To report to Members on the current evaluation of risk and to seek approval of a Risk Management Strategy which will underpin the future management, monitoring and reporting of risk to the Joint Committee.

RECOMMENDATIONS

The Joint Committee is recommended to:

- [i] Review the current evaluation of risk (Appendix 1)
- [ii] Approve the Risk Management Strategy and summary of the Joint Committee's Risk Appetite (Appendix 2)
- [iii] Report any Member training needs in relation to Risk Management
- [iv] Receive a Risk Report at each meeting.
- [v] Approve the Business Continuity Management Policy (Appendix 3)

FINANCIAL CONSEQUENCES

Financial risk management is identified within the report.

CONTACT OFFICERS

**Louise Hutchinson, PATROL Headquarters, Barlow House, Minshull Street,
Manchester, M1 3DZ Tel: 0161 242 5270**

1. BACKGROUND

1.1 The enclosed risk register responds to the auditors' recommendations and suggestions made by the Joint Committee at their meetings.

1.2 Follow-up work on risk management was undertaken by Internal Audit as part of their annual audit plan for 2010/11. A recommendation from Internal Audit was for the Joint Committee to approve a Risk Management Strategy upon which future risk management and reporting will be undertaken.

1.3 The Joint Committee approved the following summary of its risk appetite:

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.

2. RECOMMENDATIONS

The Joint Committee is recommended to:

- [i] Review the current evaluation of risk (Appendix 1)
- [ii] Approve the Risk Management Strategy and summary of the Joint Committee's Risk Appetite (Appendix 2)
- [iii] Report any Member training needs in relation to Risk Management
- [iv] Receive a Risk Report at each meeting.
- [v] Approve the Business Continuity Management Policy (Appendix 3)

APPENDIX 1 LATEST EVALUATION OF RISK

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	5	2	10	Audit figures on which to base forecasts. Historical data on which to base forecasts. Reserve policy in place	Internal & External Audit Reports Committee Reports	Treat			Continued forecasting, budget monitoring and cashflow analysis.	HOS
2.	Inability of IT to support needs of organisation and technology users	Reduced effectiveness and efficiency for tribunal, councils and appellants.	4	3	12	Formal tender procedure undertaken Initial project planning undertaken.	Business Process and IT Review	Treat			Contract for new web portal and case management system Separation of tribunal's domain	HOS
3.	Loss of key members of management and staff	Disruption to operations Management of vacancies Project and operational targets affected	2	5	10	Clearly defined roles with flexibility to provide cover. Documented procedures Arrangements for temporary cover Arrangements in place to extend cover. Appointment Sub Committee & Working Group	Committee Reports	Treat			Review of existing vacancies and risk based approach to planning for future vacancies. Recruitment process agreed for Chief Adjudicator. Support arrangements for transfer to new host authority.	HOS
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	4	12	Monitoring of demand and performance Staff recruitment, induction, training and appraisal. Contingency Planning	Committee Reports	Treat			Adjudicator Recruitment 2012	CA

5	Achievement of Key Objectives	Failure to achieve key objectives	4	3	12	Performance Management Strategy and Reporting	Internal & External Audit Reports Committee Reports	Treat		Multiple project planning required for 2012/13 (new host authority, new IT system, recruitment of adjudicators)	HOS
---	-------------------------------	-----------------------------------	---	---	----	---	---	-------	--	---	-----

CA = Chief Adjudicator

HOS = Head of Service Note 1 The Risk Register is underpinned by the Risk Management Strategy and should be read in conjunction with business continuity planning arrangements.

Risks that have been downgraded in accordance with the Risk Management Strategy

	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

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%	<ul style="list-style-type: none"> • Is expected to occur in most circumstances • Circumstances frequently encountered – daily/weekly/monthly/annually • Imminent/near miss
4. Probable/Likely	60% - 80%	<ul style="list-style-type: none"> • Will probably occur in many circumstances • Circumstances occasionally encountered but not a persistent issue (e.g. once every couple/few years) • Has happened in the past or elsewhere
3. Possible	40% - 60%	<ul style="list-style-type: none"> • Not expected to happen, but is possible (once in 3 or more years) • Not known in this activity
2. Unlikely	20% - 40%	<ul style="list-style-type: none"> • May occur only in exceptional circumstances • Has rarely / never happened before • Force majeure
1. Remote	20%	<ul style="list-style-type: none"> • 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.
- **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 of 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 Head of Service 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 Head of Service and Advisory Board.
 Scores of 12-6 **Medium Risk**: Risk to be captured on Risk Register and progress with mitigation to be tracked by Head of Service 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.

APPENDIX 2
BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
RISK MANAGEMENT STRATEGY
DRAFT JUNE 2012

1. PURPOSE

The Joint Committee recognises that effective risk management is an important element of a robust corporate governance framework and is therefore 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

2. OBJECTIVES

The objectives of this strategy are 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.

3. IMPLEMENTATION

The Joint Committee will achieve these objectives by:

- Approving this strategy
- The Head of Service establishing and maintaining the risk management review framework identified within this strategy.
- Including risk management as a standing agenda item at each Joint Committee/Executive Sub Committee and Advisory Board meeting supported by reports from Officers.

- Continuing to demonstrate the application of risk management principles in practice.
- Establishing the training requirements of Members and Officers
- Maintaining documented procedures for the control of risk.
- Monitoring risk management arrangements on an ongoing basis and periodically reviewing risk.
- Embedding risk management into business processes.

4. DEFINITIONS AND CATEGORIES

a. DEFINITIONS

RISK is a combination of the LIKELIHOOD of something happening and the CONSEQUENCE for business objectives.

RISK MANAGEMENT is the process by which risks and potential opportunities are identified, evaluated and controlled.

b. CATEGORIES OF RISK

The Audit Commission and CIPFA identify two categories of risk namely strategic and operational. Strategic are those risks to the medium and long term goals and objectives of the organisation. Operational are those risks and hazards encountered in the daily course of work affecting managers and staff.

c. RISK APPETITE

In defining the risk appetite, consideration should be given to:

- The level of risk which an organisation or individual is prepared to tolerate without introducing further risk mitigation measures or controls.
- Identifying the point where the Joint Committee accepts that a risk exists and that to put in place further measures aimed at reducing the risk to a more acceptable level is not possible, practical or not cost effective.
- The wider context of risk and tolerance levels of other parties who may be affected by the risk, including members of the public and other stakeholders.

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.

5. RISK MANAGEMENT PROCESS

Key questions in risk management include:

- What can go wrong?
- What is the likelihood of it going wrong?
- What is the impact should it go wrong?
- What can be done to eliminate the threat?
- What should be done to reduce the threat's likelihood or impact?

The risk management cycle involves

- a) Identifying Risk
- b) Analysing and Evaluating
- c) Prioritising
- d) Taking Action
- e) Monitoring and Review

6. 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 Head of

Service 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 Head of Service and Advisory Board.

Scores of 12-6 **Medium Risk:** Risk to be captured on Risk Register and progress with mitigation to be tracked by Head of Service 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.

Risk Impact Details

Name	Description
Immaterial	Loss of up to £10k; examples include little effect on service delivery; no health and safety impact; no damage to reputation.
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.
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.
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.
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%	<ul style="list-style-type: none"> • Is expected to occur in most circumstances • Circumstances frequently encountered – daily/weekly/monthly/annually • Imminent/near miss
4. Probable/ Likely	60% - 80%	<ul style="list-style-type: none"> • Will probably occur in many circumstances • Circumstances occasionally encountered but not a persistent issue (e.g. once every couple/few years) • Has happened in the past or elsewhere
3. Possible	40% - 60%	<ul style="list-style-type: none"> • Not expected to happen, but is possible (once in 3 or more years) • Not known in this activity
2. Unlikely	20% - 40%	<ul style="list-style-type: none"> • May occur only in exceptional circumstances • Has rarely / never happened before • Force majeure
1. Remote	< 20%	<ul style="list-style-type: none"> • The risk will not emerge in any foreseeable circumstance

5.4 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.
- **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 of financial contingency provision.

5.5 The risk register will be monitored and reviewed by a Risk Management Group and reported to Members and the Advisory Board. New risks will be added to the register where appropriate and assigned an individual risk owner. An updated risk register will be provided as a standard report to the Joint Committee.

RISK MANAGEMENT ROLES AND RESPONSIBILITIES

6.1 The Joint Committee

The roles and responsibilities of the Joint Committee are:

- to ensure that a comprehensive approach to risk management is developed and implemented
- to oversee and obtain assurance over the effective management of the risks by the Head of Service.

6.2 The Head of Service

- To support and develop the risk management culture of the Risk Management Group which helps support the Joint Committee's strategic leadership and corporate governance roles.
- To develop and maintain a risk management framework.
- To maintain effective links with stakeholders on risk management issues and to report as appropriate to the Joint Committee or Executive Sub Committee and the Advisory Board.

6.3 Risk Management Group

The risk management framework established by the Head of Service allocates the following responsibilities to the Risk Management Group:

- Initial identification and evaluation of risks.

- Registration of risks.
- Evaluation of effectiveness of controls.
- Action planning to mitigate the impact of risks on the achievement of the Joint Committee's objectives.
- Reporting to Joint Committee and/or Executive Sub Committee and Advisory Board.
- Preparing changes to this policy.
- Providing guidance and training for staff on risk awareness.

7. MONITORING AND REVIEW

The Joint Committee will monitor the effectiveness of this policy and will receive a copy of the latest risk register and a report from the Head of Service at each Joint Committee meeting.

8. APPROVALS

Approved Joint Committee June 2011

APPENDIX 3**DRAFT BUSINESS CONTINUITY MANAGEMENT POLICY****1. PURPOSE**

The purpose of this policy is to formalise the Business Continuity program and to provide guidelines for developing, maintaining and exercising Business Continuity Plans (BCPs). This policy establishes the basic principles and framework necessary to ensure emergency response, resumption and recovery, restoration and permanent recovery of operations and business activities during a business interruption event.

2. SCOPE

This policy applies to staff, facilities and IT systems and preparation for scenarios including, but not limited to, natural disaster, power outage, hardware/telecommunications failures, data corruption and terrorism. These events may be local in nature, or could have regional impact, with multiple facilities in a geographic region becoming inaccessible. This policy provides guidance for the resumption and recovery of time sensitive business operations in accordance with pre-established timeframes as well as ensuring that adequate plans are in place for the less time sensitive business operations.

3. POLICY

The Joint Committee recognises the potential strategic, operational, financial, reputational and stakeholder risks associated with service interruptions and the importance of maintaining viable capability to continue business processes with minimum impact in the event of an emergency.

DEFINITIONS

- **BCG** – Business Continuity Group
- **BCP** – Business Continuity Plan
- **BIA** – Business Impact Analysis

4. PROCEDURES:**Statement of Policy**

Business continuity policy and planning are fundamental to reduce the impact of business interruption and should be read in conjunction with the Joint Committee's Risk Management Statement.

The Joint Committee recognises the importance of developing, exercising and testing and maintaining plans for the resumption and recovery of business functions and processing resources. The resumption and recovery plans must be based on a risk assessment that considers potential losses due to unavailability of service versus the cost of resumption. These plans shall anticipate a variety of probable scenarios at local, regional and national level.

Responsibilities

Joint Committee and Advisory Board: Responsible for ensuring that Business Continuity Management policy and procedures are in place and reviewed by Officers on a regular basis.

Head of Service: Responsible for the documented development, maintenance and review of the Business Continuity Management policy and procedures and identifying key staff to have specific responsibility for business continuity in terms of premises, Adjudicators, staff, tribunal services, IT and finance. These Officers will comprise the Business Continuity Group.

Business Impact Analysis (BIA) and Risk Assessment

The BCG shall undertake a BIA on an annual basis to identify and prioritise the critical business processes and costs of downtime. The BIA shall cover the major business processes that cut across the multiple sections or teams. It shall identify the business process availability, recovery time objectives and associated risks if these processes were not available.

The Business Continuity Plan

The BCG shall develop the BCP to recover from an incident and provide, at the very minimum, the ability to recover critical processes in line with the findings of the BIA. The recovery plans for an incident shall be developed by the BCG. The BCG shall have oversight as to the creation of plans to provide leadership and guidance, and ensure appropriate consistency and coordination among the various business dependencies, as well as compliance/consistency with standards.

During an incident, the Head of Service and Officers identified in the Business Continuity Plan *shall* activate the Business Continuity Plan. The BCG shall work with the affected sections/teams to ensure smooth execution of the BCP. Where relocation is required, consideration will be given to alternative ways of working to ensure a swift resumption of services.

The Business Continuity Plan will be reviewed every six months and updated as changes occur. All incidents will be documented and records maintained.

Develop Resumption and Recovery Plans for People Assets

Adjudicators and staff shall be provided with communication approaches and tools to ensure communication among themselves and with the staff for emergency response and business continuity.

The BCG shall implement and maintain a basic communication plan for all sections/teams for emergency response and business continuity. Confidentiality of staff personal contact information for this purpose shall be managed in compliance with the Information Security and HR policies and practices.

Business continuity plans shall identify the designated primary staff member (from the business operation) and an alternate who can perform functional responsibilities in the absence of the primary staff member.

The BCG shall work to develop clear guidance on how the staff shall report their time during crisis. These staff may be directed to suspend their regular duties until the operations are restored at a permanent site or some alternate direction is provided.

Develop Resumption and Recovery Plans for Facilities and Office Space

In order to successfully resume critical business operations during an incident/crisis, the BCG must identify a safe, easily accessible and fully operational location with adequate resources (IT and others) for staff to report to and initiate operations from during the period of crisis. Any decisions regarding alternative facilities must provide adequate office space and alternate communication links.

Develop IT Systems Resumption and Recovery Plans

The BCP shall develop a coordinated strategy involving plans, policies, procedures, and technical measures that enable the recovery of IT systems, operations, and data that is identified as critical. The BCG shall also work with other companies that are responsible for development and maintenance of the technology and information that support critical business processes. The network architecture and telecommunications shall help ensure there is the ability to withstand local/regional crisis/national crisis.

BC policy and planning shall be integrated in IT policy, budget and implementation decisions. IT budget guidelines shall take into account good practices concerning business continuity planning and preparedness.

For new application development, BC planning should be integrated in all phases of the IT project life cycle, starting from Business Requirements, System Architecture, Design, Construction, Testing, Implementation, Maintenance and Retirement.

Testing

In order to validate the Business Continuity Plan and ensure strategies are capable of providing response and recovery results within agreed timeframes, planned testing will be conducted training provided to all staff on an annual basis and or as needs arise. The IT core system will be disaster recovery tested at an off site location annually. Test results shall be shared with the Advisory Board.

Communications

The BCP shall include mandatory instructions, advice, process, procedure or guidance concerning internal and external communications.

External communication during an incident/crisis is a critical business process. The BCG shall develop the process and messages that will be communicated to staff and stakeholders in the event of an incident or business interruption.

Training

Business Continuity training for the BCG (and other relevant staff) is essential for effective resumption and recovery of operations. BCG staff shall be supported with training to keep current in the business continuity best practice, latest technologies, tools, international standards and regulations that guide the development of BC plans. Training must include details regarding business resumption and recovery roles in coordination with the BCG.

BCP Maintenance and Management Reporting

The BCPs shall be updated on a bi-annual basis, or as often as changes require, using agreed templates. Most importantly all major updates should be incorporated as soon as possible and not held to satisfy a pre-arranged schedule.

The BCG shall consider the use of automated tools to support business continuity planning. Reporting business continuity planning status and progress is a key element of creating an effective BC program. The BCG shall report the status and progress of the BC program to the Advisory Board on an annual basis or after every BC test.

5. POLICY COMPLIANCE

Consistent compliance with this policy is essential to its effectiveness and therefore adherence to this policy is expected. The BCG will assess the preparedness of all the sections/teams. The assessment will include the quantification and qualification of exposures including, but not limited to, the resumption of time-sensitive operations and the recovery of other operations.

Internal Audit, as part of its work program, will review the business continuity plans periodically to ensure, as appropriate, alignment of the overall Business Continuity Program with Standards such as BS25999.

Policy Agreed:

Planned Review Date:

Actual Review Date:

REPORT FOR RESOLUTION

SUBJECT: BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
FINANCIAL REGULATIONS

REPORT OF: THE LEAD OFFICER ON BEHALF OF THE ADVISORY
BOARD

PURPOSE OF REPORT

To request that the Joint Committee reviews its Financial Regulations and in accordance with section 1.6 of said regulations, notes where services have been procured outside of those Financial Regulations.

RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Approves the revised Financial Regulations (Appendix 1)
- [ii] Notes the procurement information set out in 1.4.

FINANCIAL CONSEQUENCES OF THIS REPORT

The report reflects a requirement under the Joint Committee's Financial Regulations.

CONTACT:

Louise Hutchinson, PATROL, Barlow House, Minshull Street, Manchester M1
3DZ

1. BACKGROUND

- 1.1 The Joint Committee last approved its Financial Regulations at its annual meeting in September 2011. The Joint Committee is asked to review these Financial Regulations in the light of a number of changes.
- 1.2 The purpose of this report is to report on services which have been procured outside the framework of these regulations, to seek approval for the planned arrangements for reviewing these services.
- 1.3 The Financial Regulations include arrangements for procuring goods and services. The Regulations (1.6) state that the Head of Service can allow exceptions to these regulations if it is believed that the best interests of the BUS LANE Joint Committee would be served if the regulations were not applied.
- 1.4 The Head of Service reports that the Financial Regulations have been waived during 2011/12 in relation to the following:

Service	Supplier
Advice	Nabarro
Advice	Monkton Chambers
Advice	St James Chambers
Consultancy	Diane Dixon Associates
Role evaluation	Price Waterhouse Cooper
Property Negotiation	GVA Grimley
Training	Learning Tree International
TRO Project	Bath & North East Somerset Council

2. RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Approves the revised Financial Regulations (Appendix 1)
- [ii] Notes the procurement information set out in 1.4.

BUS LANE ADJUDICATION JOINT COMMITTEE (BLASJC)**APPENDIX 1
FINANCIAL REGULATIONS**

1. **General**
- 1.1 These Regulations should be read in conjunction with the Bus Lane Adjudication Service Joint Committee's Financial Standing Orders and Rules of Financial Management contained within the BLASJC Agreement and the Scheme of Delegation to the Head of Service.
- 1.2 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 BLASJC on an annual basis.
- 1.3 The Head of Service, as the officer responsible for the proper 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.
- 1.4 The Head of Service 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
- 1.5 The Head of Service will ensure the organisational structure provides an appropriate segregation of duties to provide adequate internal controls to minimize fraud or malpractice.
- 1.6 The Head of Service can allow exceptions to these Regulations if it is believed that the best interests of the BLASJC would be served if the Regulations were not applied. A written record of these decisions must be kept and reported to the BLASJC at the earliest opportunity.
- 1.7 Whenever any matter arises which may involve financial irregularity, the Head of Service shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Head of Service, and after consultation with the Joint Committee Treasurer, be referred by them to the Bus Lane Adjudication Service Joint Committee. The Head of Service and the Joint Committee Treasurer will determine whether the matter should be referred to Internal Audit. Further in a case where the Head of Service 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 BLASJC, the Head of Service and the Treasurer to the BLASJC.
- 2.2 The Treasurer to the Joint Committee is responsible for approving the BLASJC's Statement of Accounts.
- 2.3 The Head of Service shall ensure that appropriate financial arrangements and procedures in place on behalf of the Joint Committee in order that the Treasurer can be provided with the necessary accounting records.
- 2.4 The unaudited accounts must be approved by the full Joint Committee.
- 2.5 The Head of Service will publish and make available a final accounts/audit timetable to member authorities following the September meeting.
- 2.6 The Head of Service, 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 Authority's bankers, including the procedures for the ordering and safe custody of cheques and purchase cards, shall be made under arrangements approved by the Head of Service.
- 3.2 All cheques drawn on behalf of the Joint Committee shall be signed by the Head of Service and Finance Manager except in their absence or in the case of personal expenses incurred by these post holders in which circumstances named signatories will provide signatures.
- 3.3 Purchase cards can be used to a pre-set limit of £50,000 per month and £15,000 per single transaction and will be used in accordance with agreed procedures including storage, authorised users and record keeping requirements.

- 3.4 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.

4. Revenue and Capital Budgets

- 4.1 The Head of Service, 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 that expenditure through member authorities must be approved by the Joint Committee by the end of January each year.
- 4.2 The Head of Service will monitor income and expenditure against the budget and will report to the meetings of the Bus Lane Adjudication Service Joint Committee in September, January and June (including outturn report) showing budgeted, actual and (where applicable) projected expenditure.
- 4.3 The Head of Service shall be authorised to approve transfers between expenditure heads up to a maximum of £25,000. These transfers will be reported for information to the Joint Committee at the next available meeting as part of the budget monitoring arrangements (see 4.2). Anything in excess of this shall be reported for approval to the Bus Lane Adjudication Joint Committee.
- 4.4 Where it is anticipated that expenditure as a whole will exceed the approved revenue budget by more than 2.5%, the Chair and Vice Chair of the Joint Committee should be notified by the Head of Service 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 Head of Service.
- 5.2 All money received shall be without delay passed for payment to the Joint Committee's bank account.
- 5.3 The Head of Service shall be furnished with information to ensure prompt rendering of accounts for the collection of income.

- 5.4 Following year-end, the Head of Service shall request a self-certification of Penalty Charge Notices issued from member authorities.
- 5.5 The Head of Service shall seek to validate the accuracy of data supplied through the self-certification process by reference to third party data sources where this is available.
- 5.6 The Head of Service shall report all bad debts to the Bus Lane Adjudication Service Joint Committee for these to be written off. This report will include the cause of the bad debt and the recovery measures taken in accordance with the Debt Recovery Procedure.
- 5.7 Through regular budget monitoring reports, the Head of Service will appraise 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 a Treasury Management Statement prepared in conjunction with the Treasurer. This will take into account the Joint Committee's Reserve Policy Statement.

7. Orders and Contracts

- 7.1 The Order Procedure includes the required procedures, recording keeping and procurement thresholds. These procurement threshold are set out below together with the responsibilities of the Head of Service and budget holders in procurement:

Up to £2,000, a written quotation submitted by a requisitioner and authorized by the Budget Holder.

Between 2,000 and £30,000 – three written quotations submitted by the Budget Holder

£30,000 to EU Threshold formal tender process to at least three candidates authorised by the Head of Service.

EU Threshold to £250,000 follow EU Tender Rules initiated by the Head of Service.

Only Budget holders and staff who have received training in the Order Procedure may order goods or services.

The Head of Service will ensure that staff involved in procurement are aware of the financial thresholds and the need for aggregation with single suppliers in respect of purchasing thresholds. Market testing will be undertaken on a three year cycle.

The Head of Service is required to obtain approval from the BLASJC in respect of tenders for the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract.

The Head of Service is required to obtain approval from the BLASJC in respect of tenders of a sub-contractor or supplier for specialist work or material in excess of £100,000 for which a prime cost sum is included in the main contract sum for services, building and civil engineering works.

- 7.2 The Head of Service has the authority to waive these rules (excluding those falling within the EU threshold) where the interests of the BLASJC would best be served. Such circumstances would include where there is only one contractor that is able to provide the goods or service or where the need for such goods or services was urgent and the above procedure would be detrimental to the BLASJC. Forward planning and market testing will be deployed to ensure that cases of waiver are minimised. The Head of Service shall maintain a record of such decisions and report to the Joint Committee at the earliest opportunity.

8. VAT

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

9. Reserves

- 9.1 The Joint Committee shall 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 minimizing risk.

10. Equipment

- 10.1 The Head of Service 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 computerized records in accordance with the Information Security Policy. All equipment over £1,000 in value must be recorded in the Equipment Inventory in accordance with the Asset Management Policy. The Head of Service will also ensure that no BLASJC equipment is subject to personal use by an employee without proper authorisation.

11.0 Insurance

11.1 The Head of Service shall in consultation with the Joint Committee's Treasurer, arrange such insurances as he/she considers necessary.

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

11.2.2 Officers shall inform the Head of Service promptly in writing of any event which may involve the Joint Committee in a claim.

12. Risk

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

13. Internal Audit

13.1 The Joint Committee shall approve an Internal Audit Three Year Strategy and Annual plans.

13.2 The Head of Service will, in accordance with the above strategy and 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 Head of Service will ensure that Internal Auditors have right of access to such records and explanations as they require to complete 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 Head of Service will make such arrangements as are necessary to facilitate this audit.

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

14.4 Audit Reports will be presented to the Joint Committee.

15. Petty Cash

- 15.1 The Head of Service 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 by the Treasurer should a petty cash imprest system be introduced.

16. Gifts and Hospitality Register

- 16.1 The Head of Service will ensure that a register is held for the purposes of recording gifts and hospitality and that staff are made aware of its existence.

17. Declarations of Interest

- 17.1 All staff with financial responsibilities will be required to complete a Declaration of Interest form on an annual basis at the end of each financial year. Members at each meeting will be provided with the opportunity to declare a pecuniary or non-pecuniary interest.

18. Anti-fraud, anti-corruption and whistleblowing

- 18.1 Compliance with these financial regulations is supported by policies and procedures in respect of anti-fraud, anti-corruption and whistleblowing. Where staff have concerns in this respect, they should approach their Line Manager, The Head of Service or if they wish to speak to someone external to the organisation, they can contact the Audit Commission Whistleblowing Hotline on 0845 052 2646. The Head of Service will ensure that staff are aware of whom they can contact both within and external to the organisation in these circumstances.

19. Document Retention

- 19.1 All financial documents will be retained for a period of six years plus the current year in accordance with the Document Retention Policy.

20. Review

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

BLASJC Financial Regulations - Related Documentation

1. Financial Standing Orders and Rules of Financial Management contained within the BLASJC Agreement.
2. The Scheme of Delegation to the Head of Service.
3. The Statement of Responsibilities for the Statement of Accounts
3. Annual Governance Statement
4. Treasury Management Statement
5. Reserves Policy Statement
6. Responsibilities of the BLASJC and Terms of Reference for the BLASJC Advisory Board
7. Financial Regulations – Operational Procedures Manual. This manual contains all policies, procedures and guidelines to staff referenced within these Regulations.

APPROVALS

Approval Date 28th September 2011
Review Date 26th June 2012 (Full Joint Committee)

REPORT FOR RESOLUTION

SUBJECT: DRAFT ANNUAL ACCOUNTS FOR 2011/12

REPORT OF: THE LEAD AUTHORITY ON BEHALF OF THE
ADVISORY BOARD

PURPOSE OF REPORT

To present to the Committee the draft Annual Accounts for the year 2011/12

RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Notes the outturn position at 31 March 2012 at Appendix 1
- [ii] Approves the 2011/12 Annual Return (Appendix 2) and note the Annual Internal Audit Report (Appendix 3), Balance Sheet (Appendix 4)
- [iii] Notes that the External Auditor's report and final Annual Accounts for 2011/12 will be submitted to the Bus Lane Adjudication Service Joint Committee in September.
- [iv] Approves the deficit of income over expenditure of £31,064 being drawn from the Joint Committee's General Reserves which at 31 March 2011 was £121,453.
- [v] Approves the Code of Corporate Governance (see Appendix 5)

CONTACT OFFICERS

Louise Hutchinson, PATROL Barlow House, Minshull Street, Manchester.
Tel: 0161 242 5270

1.0 INTRODUCTION

- 1.1 The adjudication service is operated on a self-financing basis with income obtained from charges made to BLASJC member authorities.
- 1.2 At the meetings on 30th June 2006, the National Parking Adjudication Service Joint Committee (later replaced by the PATROL Adjudication Joint Committee) and Bus Lane Adjudication Service Joint Committee agreed that the adjudication service should, as far as possible, be provided in an integrated manner for both parking and bus lane appeals. This arrangement has represented an opportunity for cost sharing and the provision of an efficient and cost effective service.
- 1.3 As in previous years, for 2011/12, the administration of the two joint committees' accounts has been kept to a minimum by allocating actual expenditure based on the number of appeals received from each type of enforcement.
- 1.4 Case related expenditure for Bus Lane Appeals has been based on a pro-rata cost per Bus Lane appeal (see below).
- 1.5 This report provides details of the 2011/12 draft Annual Accounts for approval by the Joint Committee.

2.0 REVISED RECHARGE MECHANISM

- 2.1 The recharge mechanism has been revised for 2010/11 in order to more accurately reflect the cost of adjudication services from PATROL to the BLASJC. This mechanism has been subject to internal audit and their findings are reported under separate cover.
- 2.2 The recharge mechanism adopted for 2010/11 has been applied in 2011/12 and is based on the following:

The total PATROL expenditure for 2011/12 is divided by the total number of parking and bus lane appeals during 2011/12. This cost per appeal is then multiplied by the number of bus lane appeals to obtain the recharge value.

3.0 OUTTURN POSITION AT 31ST MARCH 2012

Table 1 sets out the draft outturn position for 2011/12.

4.0 ANNUAL RETURN 2011/12 (APPENDIX 2)

- 4.1 The Account Statement for 2011/12 has been prepared in accordance with the requirements of the Small Bodies Annual Return. The completion of the Small Bodies Annual Return removes the requirement for a full set of

accounts however a Balance Sheet is provided for information at Appendix 4.

- 4.2 The service achieved income of £335,010 against a budget of £246,297 giving a surplus of £88,713 (Table 1).

Table 1: Summary of income to the Bus Lane account 2011/12

	Budget	Actual	Variance (Improvement)
Bus Lane PCN Income	-246,297	-347,624	(101,327)
Non PCN Income	0	0	0
Bus Lane PCN Adjustments (financial year)	0	9,098	9,098
Bus Lane PCN Adjustments	0	4,035	4,035
Transcription Charges	0	-18	(18)
Bank Interest	0	-501	(501)
Contribution from Reserves	0	0	0
Total	246,297	335,010	(88,713)

- 4.3 Expenditure totalled £362,603 against a budget of £242,826. This reflects the increased number of appeals and introduction of invoices for services from the Lead Authority directly to the Bus Lane Adjudication Service Joint Committee.
- 4.3 The Bus Lane Adjudication Joint Committee has decided that expenses shall be shared between member authorities in proportion to the number of PCNs issued, by each participating council.
- 4.4 The General Fund balance at 31st March 2011 was £121,453, and is £93,860 as at 31st March 2012.

5.0 2011/12 ACCOUNTS AND AUDIT PROGRAMME

Stage	2011/12
Accounts certified by the Treasurer	BLASJC meeting 26 th June 2012
Accounts submitted to BLASJC for approval	BLASJC meeting 26 th June 2012
Advertisement of Public Notice for Exercise of Public Rights for electors to inspect the accounts	11 th June 2012 to June 2011
Period for exercise of right of inspection.	June 2012 to July 2012
Submission of Annual Return and Supporting Documents to BDO	July 2012
BDO Report presented to BLASJC	25 th September 2012

6.0 RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Notes the outturn position at 31 March 2012 at Appendix 1
- [ii] Approves the 2011/12 Annual Return (Appendix 2) and note the Annual Internal Audit Report (Appendix 3), Balance Sheet (Appendix 4)
- [iii] Notes that the External Auditor's report and final Annual Accounts for 2011/12 will be submitted to the Bus Lane Adjudication Service Joint Committee in September.
- [iv] Approves the deficit of income over expenditure of £27,593 being drawn from the Joint Committee's General Reserves which at 31 March 2011 was £121,453.
- [v] Approves the Code of Corporate Governance (see Appendix 5).

**APPENDIX 1:
BUS LANE ADJUDICATION SERVICE DRAFT OUTTURN FOR 2011/12**

Expenditure	Budget 2011/12 £	Outturn 2011/12 £	Variance/ (Improvement) £
Pro Rata Appeals Expenditure	231,176	344,643	113,467
Adjudicators	0	3,375	3,375
External Audit	3,150	0	(3,150)
Internal Audit	0	1,950	1,950
Joint Committee Notices	0	363	363
Service Management & Support	1,000	14,451	13,451
Supplies & Services	7,500	-615	(8,115)
TRO Working Group	0	-1,565	(1,565)
Contingency	0	0	
TOTAL EXPENDITURE	242,826	362,603	119,777
Income			
Bus Lane Income	-246,297	-347,624	(101,327)
Bus Lane Audit Adjustment	0	4,035	4,035
Bus Lane PCN Adjustment	0	9,098	9,098
Translation Charges	0	-18	(18)
Contribution from Reserves	0	0	0
Bank Interest Earned	0	-501	(501)
TOTAL INCOME	-246,297	-335,010	(88,713)
Net (Surplus)/Deficit	(3,471)	27,593	31,064



Small Bodies in England Electronic annual return Year ended 31 March 2012

Small relevant bodies in England with an annual turnover of £6.5 million or less must complete an annual return summarising their activities at the end of each financial year.

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

- **Sections 1 and 2** are completed by the person nominated by the body.
- **Section 3** is completed by the external auditor.
- **Section 4** is completed by the body's internal audit provider.

The body must approve this annual return no later than 30 June 2012.

Completing your electronic annual return (eAR)

Guidance notes, including a completion checklist, are provided on page 6 and at relevant points in the annual return. For further information on eAR go to <http://www.audit-commission.gov.uk/audit-regime/support-guidance/Pages/Annualreturn.aspx>

Once downloaded you are able to complete certain sections of this e-annual return. You must then print the e-annual return to complete the remainder of the information required before approval by the body. The sections available for completion electronically are:

- the name of your body in sections 1, 2 and 4 on pages 2, 3 and 5
- boxes 1 to 10 in Section 1 on page 2; and
- the responses in boxes 1 to 8 in Section 2 on page 3.

You cannot save the e-annual return or send it electronically. You may only print it.

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

Send the annual return, together with your bank reconciliation as at 31 March 2012, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to your appointed external auditor by the due date.

Your auditor will identify and ask for any documents needed for audit. Therefore, unless requested do not send any original financial records to the external auditor.

Audited and certified annual returns will be returned to the body for publication or public display of sections 1, 2 and 3. You must publish or display the audited annual return by 30 September 2012.

It should not be necessary for you to contact the external auditor or the Audit Commission directly for guidance.

More guidance on completing this annual return may be found in the Practitioners' Guides for either local councils or internal drainage boards. These publications may be downloaded from the National Association of Local Councils (NALC) or Society of Local Council Clerks (SLCC) websites (www.nalc.gov.uk or www.slcc.co.uk) or from the members area of the Association of Drainage Authorities website (www.ada.org.uk).

Section 1 – Accounting statements for:

Bus Lane Adjudication Joint Committee

	Year ending		Notes and guidance
	31 March 2011 £	31 March 2012 £	
1 Balances brought forward	65,582	121,453	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	0	0	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body.
3 (+) Total other receipts	230,341	335,010	Total income or receipts as recorded in the cashbook less income from taxation and/or levy (box 2). Include any grants received here.
4 (-) Staff costs	0	0	Total expenditure or payments made to and on behalf of all body employees. Include salaries and wages, PAYE and Ni (employees and employers), pension contributions and employment expenses.
5 (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the body's borrowings (if any).
6 (-) All other payments	174,470	362,603	Total expenditure or payments as recorded in the cashbook less staff costs (box 4) and loan interest/capital repayments (box 5).
7 (=) Balances carried forward	121,453	93,860	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	280,050	192,415	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 and long term assets	0	0	The recorded book value at 31 March of all fixed assets owned by the body and any other long term assets e.g. loans to third parties and any long-term investments.
10 Total borrowings	0	0	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 2012 the accounting statements in this annual return present fairly the financial position of the body and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:



Date

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

and recorded as minute reference:

Signed by Chair of meeting approving these accounting statements:

Date

Section 2 – Annual governance statement

We acknowledge as the members of:

Bus Lane Adjudication 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 2012, that:

		Agreed –		'Yes' means that the body:
		Yes	No	
1	We approved the accounting statements prepared in accordance with the requirements of the Accounts and Audit Regulations and proper practices.	<input checked="" type="radio"/>	<input type="radio"/>	prepared its accounting statements in the way prescribed by law.
2	We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	<input checked="" type="radio"/>	<input type="radio"/>	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 laws, regulations and codes of practice that could have a significant financial effect on the ability of the body to conduct its business or on its finances.	<input checked="" type="radio"/>	<input type="radio"/>	has only done things it has the legal power to do and conformed to codes of practice and standards in the way it has done so.
4	We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	<input checked="" type="radio"/>	<input type="radio"/>	during the year gave all persons interested the opportunity to inspect and ask questions about the body's accounts.
5	We assessed the risks facing the body and taken appropriate steps to manage those risks, including the introduction of internal controls and external insurance cover where required.	<input checked="" type="radio"/>	<input type="radio"/>	considered the financial and other risks it faces and dealt with them properly.
6	We maintained throughout the year an adequate and effective system of internal audit of the body's accounting records and control systems.	<input checked="" type="radio"/>	<input type="radio"/>	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.
7	We took appropriate action on all matters raised in reports from internal and external audit.	<input checked="" type="radio"/>	<input type="radio"/>	responded to matters brought to its attention by internal and external audit.
8	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 included them in the accounting statements.	<input checked="" type="radio"/>	<input type="radio"/>	disclosed everything it should have about its business activity during the year including events taking place after the year-end if relevant.

This annual governance statement is approved by the body and recorded as minute reference

dated

Signed by:

Chair

dated

Signed by:

Clerk

dated

***Note: Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how the body will address the weaknesses identified.**

Section 3 – External auditor’s certificate and opinion

Certificate

We certify that we have completed the audit of the annual return for the year ended 31 March 2012 of

Respective responsibilities of the body and the auditor

The body is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The body prepares an annual return in accordance with proper practices which:

- summarises the accounting records for the year ended 31 March 2012; and
- confirms and provides assurance on those matters that are important to our audit responsibilities.

Our responsibility is to conduct an audit in accordance with guidance issued by the Audit Commission and, on the basis of our review of the annual return and supporting information, to report whether any matters that come to our attention give cause for concern that relevant legislation and regulatory requirements have not been met.

External auditor's report

(Except for the matters reported below)* on the basis of our review, in our opinion the information in the annual return is in accordance with proper practices and no matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met. (*delete as appropriate).

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the body:

(continue on a separate sheet if required)

External auditor's signature

External auditor's name Date

Note: The auditor signing this page has been appointed by the Audit Commission and is reporting to you that they carried out and completed all the work required of them by law. For further information please refer to the Audit Commission's publication *Statement of Responsibilities of Auditors and of Audited Small Bodies*.

Section 4 – Annual internal audit report to

BUS LANE ADJUDICATION JOINT COMMITTEE

The body's internal audit, 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 2012.

Internal audit has been carried out in accordance with the body'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 body.

Internal control objective	Agreed? Please choose from one of the following		
	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 was appropriately accounted for.	✓		
C The body 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 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 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 (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 were properly recorded.			✓

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

SEE ATTACHED AUDIT REPORT WHICH EXPLAINS THE AREAS 'NOT COVERED' AND AREAS FOR IMPROVEMENT

Name of person who carried out the internal audit: Tom Powell - Head of Audit & Risk Mgmt

Signature of person who carried out the internal audit: [Signature] Date: 14/06/2012

*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 2012 annual return

- 1 Proper practices for preparing this annual return are found in the *Practitioners' Guides**. These publications are updated from time to time and contain everything you should need to prepare successfully for your financial year-end and the subsequent audit. Both NALC and SLCC have helplines if you want to talk through any problem you may encounter. If you are using the electronic annual return (e-AR) read carefully the guidance on page 1.
- 2 Make sure that your annual 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 is provided to the auditor. Annual returns containing unapproved or unexplained amendments will be returned unaudited and may incur additional costs.
- 3 Use the checklist provided below. Use a second pair of eyes, perhaps a member or the Chair, to review your annual return for completeness before sending it to the auditor.
- 4 Do not send the auditor any information not specifically asked for. Doing so is not helpful. However, you must advise the auditor of any change of Clerk, Responsible Financial Officer or Chair.
- 5 Make sure that the copy of the bank reconciliation which you send to your auditor with the annual return covers all your bank accounts. If your body holds any short-term investments, note their value on the bank reconciliation. The auditor should 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. More help on bank reconciliation is available in the *Practitioners' Guides**.
- 6 Explain fully significant variances in the accounting statements on page 2. Do not just send in a copy of your detailed accounting records instead of this explanation. The auditor wants to know that you understand the reasons for all variances. Include a complete analysis to support your explanation. There are a number of examples provided in the *Practitioners' Guides** to assist you.
- 7 If the auditor has to review unsolicited information, or receives an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which the auditor will make a charge.
- 8 Make sure that your accounting statements add up and the balance carried forward from the previous year (Box 7 of 2011) equals the balance brought forward in the current year (Box 1 of 2012).
- 9 Do not complete section 3. The external auditor will complete it at the conclusion of their audit.

Completion checklist – 'No' answers mean you may not have met requirements		Done?
	All red boxes have been completed?	
All sections	All information requested by the external auditor has been sent with this annual return? Please refer to your notice of audit.	
	Approval by the body confirmed by signature of Chair of meeting approving the accounting statements?	
Section 1	An explanation of significant variations from last year to this year is provided?	
	Bank reconciliation as at 31 March 2012 agreed to Box 8?	
	An explanation of any difference between Box 7 and Box 8 is provided?	
Section 2	For any statement to which the response is 'no', an explanation is provided?	
Section 4	All red boxes completed by Internal audit and explanations provided?	

***Note: Governance and Accountability for Local Councils in England – A Practitioners' Guides, is available from NALC and SLCC representatives or Governance and Accountability for Internal Drainage Boards in England – A Practitioners' Guides, is available from the ADA at The Association of Drainage Authorities, 12 Cranes Drive, Surbiton, Surrey, KT5 8AL or from the NALC, SLCC or ADA websites - see page 1 for addresses.**

Internal Audit Report

**PATROL - Annual Returns
(Parking & Bus Lanes)**

**Tom Powell
Corporate Services**

Circulation List

Business Owner:
Louise Hutchinson, Head of Service (Patrol)
Additional Report Distribution:
Kelly Cornell, Finance Manager (Patrol)
Sir Howard Bernstein, Chief Executive
Richard Paver, City Treasurer
Susan Orrell, City Solicitor
Caroline Sheppard, Chief Adjudicator
Michelle Chard, Head of Democratic and Statutory Services
Louise Nyland, BDO Stoy Hayward

Audit Team

Name	Contact Details
Peter Gallagher, Senior Auditor	814 5247
Helen Smith, Lead Auditor	814 5238
Kathryn Fyfe, Principal Audit Manager	814 5271
Tom Powell, Head of Internal Audit and Risk Management	814 5273

Report Status

Activity	Date
Fieldwork Commenced	8 May 2011
Draft Report Issued	7 June 2012
Management Responses Requested by	14 June 2012
Management Responses Received	8 June 2012
Final Report Issued	14 June 2012

1 Introduction

- 1.1 This report summarises the findings and conclusions from our review of the adequacy of internal controls and procedures in operation within the Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROL AJC) and Bus Lane AJC. The purpose of this work was to inform Section 4 of the Audit Commission Small Bodies in England Annual Returns for the year ended 31 March 2012.

2 Background

- 2.1 The Traffic Penalty Tribunal is an independent tribunal where impartial lawyers consider appeals by motorists and vehicle owners whose vehicles have been issued with:

- Penalty Charge Notices (or have been removed or clamped) by councils in England and Wales enforcing parking under the Road Traffic Act 1991 and the Traffic Management Act 2004.
- Penalty Charge Notices by councils in England undertaking civil bus lane enforcement under the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations (2005 SI No 2757).

- 2.2 Under the above legislation and regulations, Councils operating civil parking and bus lane enforcement functions are responsible for defraying expenses in relation to the remunerations of the Adjudicators of the Traffic Penalty Tribunal. The Enforcement Authorities are required to carry out this function through a Joint Committee which they are required to set up for this and related purposes. The PATROL AJC and Bus Lane AJC perform this function. In accordance with legislation and regulations, the constituent authorities of each Committee defray expenses in such a proportion as they may decide.

- 2.3 Under established reporting requirements separate annual returns were to be submitted for to both Parking and Bus Lanes.

3 Scope and Approach

- 3.1 We reviewed the adequacy and effectiveness of the financial controls, risk management arrangements and management information in respect of 9 of the 10 internal control objectives detailed within Section 4 of the Audit Commission Annual Return document for 2011/12.

- 3.2 Our work did not include a review of the accounting statements and related records supporting the final accounts under control objective J. We did not consider this to be a key risk or indeed a function that should be discharged through Internal Audit. An opinion on the year end accounts is provided by the appointed auditor to PATROL AJC and we consider that any detailed testing of the accounts to support this opinion remains their responsibility.

- 3.3 Whilst there is a separate Joint Committee for the Bus Lane Adjudication Service it does share a number of systems and processes with PATROL. As a consequence we considered Internal Audit work relating to PATROL could be used as a reasonable source of assurance. This work was designed to address the control objectives within the Annual Return and therefore provides some assurance in respect of the overall operation of financial and business systems.

- 3.4 Where independent systems and processes were in operation for Bus Lanes a review of relevant documents together with sample testing of transactions was completed.

4 Findings

- 4.1 We identified some positive areas of good practice in relation to the control and assurance mechanisms, including :

- All payments reviewed were clearly supported by invoices and retained in well structured files for easy identification.
- A list of strategic partners where normal procurement procedures have been waived has been approved by PATROL AJC. A programme for periodic market testing was underway in order to demonstrate that value for money was being obtained.
- Based on a sample of constituent authorities we confirmed that income was calculated, invoiced and received correctly.
- Detailed working papers were maintained to enable the monitoring and projection of income.
- The use of payment cards has meant that PATROL does not use petty cash removing the need for additional controls over cash handling. Accordingly our work did not include a review of petty cash and related records under control objective F.
- The joint risk register was regularly monitored, updated, and reported to the PATROL and Bus Lanes' AJCs.
- The joint IT Inventory contained comprehensive notes including any known faults, previous problems and previous users of IT equipment. The Inventory also contained clear details of disposals.

- 4.2 In addition to these findings we identified a number of areas where practices could be strengthened, either through improving existing or implementing revised arrangements, as follows:

- The Guide to Staff Expenses should be reviewed and updated, to provide greater clarity.
- Record management in respect of expense claims and receipts for staff and where applicable for third parties.
- Improved compliance with approved procurement practices, particularly in respect of ordering.
- Guidance on appropriate waivers in respect of the approved competitive procurement processes.
- Better identification of the location of IT assets on the asset Register.
- Timely bank reconciliations.

5 Conclusions

- 5.1 In our opinion both the PATROL and Bus Lane Adjudication Joint Committees have achieved a satisfactory standard with regard to all eight control objectives examined. Whilst we identified a number of other areas where internal controls were assessed as requiring further development and improvement these were not considered sufficient to prevent the achievement of a satisfactory standard of control overall.
- 5.2 The forthcoming change of host authority creates a number of challenges. In order to minimise the risks associated with this move it is important that the service develops a robust transfer plan which includes both physical and service delivery aspects, as well as support arrangements to ensure business continuity during and following the transfer to the new host authority. The move also creates an opportunity to revisit and where appropriate improve the control environment in respect of the IT Inventory, as detailed in recommendation 5 below.
- 5.3 A detailed action plan of recommendations to improve the system of internal control is attached at Appendix 1.

Appendix 1. Detailed Findings Recommendations and Action Plan

	Matters Arising	Potential Risk Implications	Recommendations	Risk	Management Response and agreed actions
Section A:	Appropriate accounting records have been properly kept throughout the year.				
1	<p>Based on our sample of staff expense claims we were unable to locate one of the claims and associated receipts which had been paid. It was clear from the file that other claims by the same person had been made, been appropriately supported by receipts and approved.</p> <p>In our sample of purchases during the year one of the transactions tested related to consultancy fees and included an element of expenses. We were unable to locate receipts in support of this part of the Invoice. It was clear from the file that other similar claims had been supported by receipts.</p> <p>The value of the missing claims and receipts was not material compared to the total level of expenditure.</p>	<p>The absence of prime financial records and supporting documentation increases the risk of inappropriate use of funds, budget overspend, misappropriation or error.</p>	<p>From our specific testing and review of files, it is clear that the transactions involved are isolated incidents and have been included here for completeness. We have made the Head of Service aware of these and it is our opinion that she should assure herself the incidents are legitimate expenses. We do not intend to follow this up.</p>	<p style="text-align: center;">●</p> <p>Moderate (Compliance)</p>	<p>Formal management response is not anticipated as we do not see a subsequent action is necessary.</p>

	Matters Arising	Potential Risk Implications	Recommendations	Risk	Management Response and agreed actions
<p>Section B: The body's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT was appropriately accounted for.</p>	<p>2</p> <p>The guidance currently in place in respect of Staff Expenses was not sufficiently robust. Areas of omission included:</p> <ul style="list-style-type: none"> • Inappropriate Expenses. • Rejection of Claims. • VAT. • Time limits on making claim. • Consequences of fraudulent claims. 	<p>Without suitable Staff Expenses guidance there is an increased likelihood that expense claims will be made, approved, and processed which are not appropriate. This increases the risk of inappropriate use of funds, misappropriation or error, and failure to obtain value for money.</p> <p>Where expense claims are not solely for PATROL use there is an increased risk of breaching tax regulations which could have adverse legal, financial and reputational implications for PATROL.</p>	<p>The Head of Service, in conjunction with the Finance Manager, should review the Staff Expense Guidelines to ensure they clearly set out the purpose of expenses, the key principles of what is and is not acceptable, and guidance in relation to making and processing claims.</p> <p>A basic format that could be used to support the development of the Guidance is attached in Appendix 3 setting out the key principles we expect should be considered.</p> <p>Once completed the revised guidelines should be presented to the PATROL and Bus Lanes AJCs Advisory Boards' for approval and then clearly communicated to all staff.</p>	<p>●</p> <p>Moderate (Control)</p>	<p>Agreed: Yes</p> <p>Action to be taken: Review the Staff Expense Guidelines and revise where appropriate. Present for approval to the Advisory Board in September 2012.</p> <p>Additional Resources Required for implementation: N/A</p> <p>Responsible Officer: Head of Service</p> <p>Target Date: 30 September 2012</p>

	Matters Arising	Potential Risk Implications	Recommendations	Risk	Management Response and agreed actions
3	<p>From our review of purchases and supporting documentation we noted:</p> <ul style="list-style-type: none"> • 3/20 purchase orders were raised after the invoice date; • 3/20 invoices were for more than the approved purchase order; and • 2/20 purchases did not have confirmation that the goods or services had been received. 	<p>Without consistent compliance with established procurement arrangements expenditure may be incurred without authorisation, budgetary provision or maintenance of proper records. This increases the risk of inappropriate use of funds, budget overspend, misappropriation or error.</p>	<p>The Head of Service should remind staff of the purchasing process to be followed and assurance checks should be carried out to ensure that procurement practice complies with PATROL's Financial Regulations.</p> <p>Particular emphasis should be made in respect of:</p> <ul style="list-style-type: none"> • ensuring purchase orders are raised to the value of goods or services to be received; • purchase orders being authorised prior to the purchase being made; and • evidence of satisfactory receipt of goods/services. 	<p>Moderate (Compliance)</p>	<p>Agreed: Yes</p> <p>Action to be taken: Audit findings and recommendations to be presented to Budget Holders next meeting.</p> <p>Additional Resources Required for Implementation: N/A</p> <p>Responsible Officer: Head of Service</p> <p>Target Date: 14 June 2012</p>

	Matters Arising	Potential Risk Implications	Recommendations	Risk	Management Response and agreed actions
4	<p>From our review of purchases and supporting documentation we found 1/5 transactions where quotes were not obtained despite meeting the requirements outlined in the Financial Regulations to do so.</p> <p>The Head of Service has advised that the consultant was known to have undertaken similar specialist work and that the waiver to normal procurement on this basis would be presented to the next PATROL AJC.</p>	<p>The absence of appropriate competition in procurement increases the risk that value for money may not be obtained.</p>	<p>The Head of Service should document the circumstances under which it is appropriate to waive the standard competitive procurement process. This list should be presented to the PATROL and Bus Lane AJCs for consideration, amendment if necessary, and approval.</p> <p>The Head of Service should annually present to PATROL and Bus Lane AJC's those suppliers where the waiver to procurement has been exercised, this should include the reason for the waiver in line with the approved list above.</p>	<p>Moderate (Compliance)</p>	<p>Agreed: Yes</p> <p>Action to be taken: Develop procedure for approval by the Joint Committees.</p> <p>Additional Resources Required for implementation: N/A</p> <p>Responsible Officer: Head of Service</p> <p>Target Date: 30 September 2012</p>

	Matters Arising	Potential Risk Implications	Recommendations	Risk	Management Response and agreed actions
Section H: Assets and Investment registers were complete, accurate and properly maintained.					
5	<p>Although generally well maintained the IT Inventory (used jointly for Parking and Bus Lanes) did not sufficiently distinguish the location of IT assets. In a significant number of cases the assets were listed as 'Unassigned Office' which included items both in the general office, those in individuals offices, and those locked away in the IT storage cupboard.</p> <p>It should be noted that with the support of the Technology Manager we were able to locate all the items tested, however this detailed information needs to be retained on the register.</p>	<p>If an up to date and comprehensive asset register is not maintained, there is an increased risk of loss or misappropriation, as well as increased risk of misuse.</p>	<p>The Technology Manager should ensure the location of all items is clearly recorded within the IT Inventory to allow for easy identification, e.g. items held in storage should be separately recorded from those in active use.</p> <p>The proposed move to a new host authority and new offices provides an ideal opportunity to implement best practice. We suggest that the location of specific items should be linked to a desk plan to provide a clear detailed location for all items.</p>	<p>Moderate (Compliance)</p>	<p>Agreed: Yes</p> <p>Action to be taken: Audit findings and recommendations to be communicated to the Technology Manager.</p> <p>Changes to the Inventory will be considered as part of the move following the change of host.</p> <p>Additional Resources Required for implementation: N/A</p> <p>Responsible Officer: Technology Manager</p> <p>Target Date: 31 March 2013 (to facilitate application of best practice to new premises)</p>

	Matters Arising	Potential Risk Implications	Recommendations	Risk	Management Response and agreed actions
Section I: Periodic and year-end bank account reconciliations were properly carried out.					
6	<p>Although periodic bank reconciliations were undertaken for PATROL, these were not completed monthly in line with the Financial Regulations.</p> <p>Bank reconciliations for Bus Lanes had been undertaken each month in line with requirements.</p>	<p>If the bank reconciliation process is not completed in a timely manner there is an increased risk that errors, loss, or inappropriate use of funds would not be identified.</p>	<p>The Finance Manager should ensure monthly reconciliations are completed in line with Financial Regulations.</p> <p>The Head of Service should periodically check that bank reconciliations have been completed within the allotted timescale.</p>	<p>● Moderate (Compliance)</p>	<p>Agreed: Yes</p> <p>Action to be taken: Head of Service to document checking of bank reconciliations in accordance with Financial Regulations time period.</p> <p>Additional Resources Required for implementation: N/A</p> <p>Responsible Officer: Head of Service</p> <p>Target Date: 31 July 2012</p>

Appendix 2. Basis of our opinion and level of assurance

Risk Type	Description
Control	There are areas for development and improvement in the design of the system of internal control.
Compliance	There is need to improve compliance with the existing system of internal control, processes or procedures

Risk	Assessment rationale
● E. Critical	Life threatening / multiple serious injuries or prolonged work place stress. Severe impact on morale and service performance. Intense political and media scrutiny i.e. national media coverage / prolonged local media coverage. Possible criminal, or high profile, civil action. Cessation of core activities, Strategies not consistent with government's agenda, trends show service is degraded. Failure of major Projects. Large increase on project budget/cost: (more than 15 to 30% of the service budget). Statutory intervention triggered.
● D. Major	Serious injuries or stress requiring medical treatment with many workdays lost. Major impact on morale and performance. Scrutiny required by external agencies, external audit etc. Unfavourable national or prolonged local external media coverage. Noticeable impact on public opinion. Major impact on the effectiveness of governance for Patrol. Significant disruption of core activities / performance. Key targets missed, some services compromised. Senior Management action required. Major increase on project budget/cost: (more than 6 to 15% of the service budget).
● C. Significant	Injuries or stress requiring some medical treatment with workdays lost. Some impact on morale and performance. Scrutiny likely to be exercised by external agencies, internal committees or internal audit to prevent escalation. Probable limited unfavourable local media coverage. Significant short-term disruption of service performance. Financial Regulations not complied with. Impact on the effectiveness of governance at the Service level. Significant increase on project budget/cost: (more than 3 to 6% of the departmental budget). Handled within the team.
● B. Moderate	Injuries / stress requiring some medical treatment, potentially some workdays lost. Some impact on morale and performance. Additional scrutiny required by management and internal committees to prevent escalation. Possible limited unfavourable local media coverage. Short-term disruption of service performance. Financial Regulations occasionally not complied with. Minor impact on the effectiveness of governance or moderate impact at service level. Small increase on project budget/cost: (up to 3% of the departmental budget). Handled within the team.
● A. Minor	Minor injuries or stress with no workdays lost or minimal medical treatment. No impact on staff morale Internal Review, unlikely to have impact on the corporate image. Minor errors in systems/operations or processes requiring action or minor delay without impact on overall schedule. Handled within normal day to day routines. Some impact on the effectiveness of governance at service level. Minimal financial loss – Minimal effect on project budget/cost: Negligible effect on total Budget or departmental budget).

Appendix 3. Key Principles of a Staff Expense Scheme

1. Purpose

Date of Scheme.

The purpose of expenses.

Overview of when to use expenses. (as opposed to other procurement method)

Overview of what is not an expense. (e.g. Procurement of Goods/Services/Travel.)

Overview of what is not appropriate (e.g. Gambling, Alcohol)

If decision is to use maximum limits when appropriate, then what these limits are (eg Subsistence).

Timescales for making claims

2. Role and Responsibilities

A description of the roles and responsibilities for all those involved in Expense Claims, this could include:

- Claimant
- Line Manager
- Approver
- Finance Team

3. Management Assurance Processes

The Claimant and Approvers responsibility for making appropriate claims, and an explanation of the action to be taken in the event of inappropriate or fraudulent claims.

The links between the Scheme and Code of Conduct or other appropriate policies.

How management will gain assurance over expense claims, and details of the process to be followed.

- 4. Examples of Valid / Invalid Claims**
Examples of where it is and isn't appropriate to make claims, with details of why not and what alternatives there are.
(HMRC often uses examples well e.g. guidance note 490 Employee Travel in respect of VAT implications of travel expenses.)
- 5. VAT**
Explanation of VAT implications for both Staff and PATROL including the need for VAT returns as required.
- 6. Submission of Claims**
How to claim Expenses - how to complete form and where to send it.
Role of Finance Team to reject and return incorrect or incomplete forms.
The requirement to provide receipts (where appropriate).
Timescales for making claims.
Approval Process.
- 7. Payment of Staff Expenses**
Method of Payment.
Frequency of Payment.
- 8. Copy of Claim Form**
Blank Copy of the Claim Form.

PATROL - Bus Lanes
UK Balance Sheet - Standard
As of 31 March 2012

ITEM 10 APPENDIX 4
BALANCE SHEET

	<u>31 Mar 12</u>
ASSETS	
Current Assets	
Accounts Receivable	
Accounts Receivable	779.71
Total Accounts Receivable	<u>779.71</u>
Cash at bank and in hand	
PATROL - Bus Lane	192,414.85
Total Cash at bank and in hand	<u>192,414.85</u>
Total Current Assets	193,194.56
Current Liabilities	
Accounts Payable	
Accounts Payable	99,334.00
Total Accounts Payable	<u>99,334.00</u>
Total Current Liabilities	99,334.00
NET CURRENT ASSETS	<u>93,860.56</u>
TOTAL ASSETS LESS CURRENT LIABILITIES	<u>93,860.56</u>
NET ASSETS	<u><u>93,860.56</u></u>
Capital and Reserves	
Reserves - Bus Lane	65,582.00
Unrestricted Net Assets	55,871.29
Profit for the Year	<u>-27,592.73</u>
Shareholder funds	<u><u>93,860.56</u></u>

**BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
CODE OF CORPORATE GOVERNANCE****JUNE 2012****Background**

The PATROL Adjudication Joint Committee, formerly the National Parking Adjudication Service Joint Committee, has been established to enable Councils having Civil Enforcement Area Orders to exercise their functions under Section 81 of the Traffic Management Act 2004 and Regulations 17 and 18 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. These functions are exercised jointly with the other councils in accordance with the requirements of Regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

The functions exercised by the PATROL Adjudication Joint Committee on behalf of its constituent councils are appointing independent adjudicators to the Traffic Penalty Tribunal, providing these adjudicators with administrative staff and accommodation and providing hearing venues. Its remit in relation to the Tribunal is limited to these matters. The Joint Committee also undertakes such other associated functions as the participating Authorities may lawfully arrange Joint Committee to perform as they from time to time consider appropriate.

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. The PATROLAJC also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

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.

The PATROLAJC, in so far as it is applicable, is consistent with the principles of the CIPFA/SOLACE Framework *Delivering Good Governance in Local Government* 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.

The Code of Corporate Governance

The PATROL Adjudication Joint Committee's Code of Corporate Governance chimes with the overall aim of the CIPFA/SOLACE framework (CIPFA/SOLACE Framework "Delivering Good Governance in Local Government" 2007 to promote effective governance i.e. "doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner" However, the PATROL Adjudication Joint Committee is mindful of its specific remit, role and responsibilities in adopting the core principles of the CIPFA/SOLACE framework to promote effective governance.

To clarify this, Appendix 2i provides an overview of the Traffic Penalty Tribunal and PATROL Adjudication Joint Committee and their respective roles and it is recognised that clarity in this respect is paramount to promote the continued integrity and independence of the Adjudicators.

- a) Focusing on the purpose of the Joint Committee, its objectives and outcomes.
 - Exercising strategic leadership and clearly communicating its purpose and vision and intended outcomes.
 - Ensuring that users receive a high quality of service.
 - Ensuring that best use is made of resources to achieve value for money.
- b) Members and officers working together to achieve a common purpose with clearly defined functions and roles.
 - Effective leadership and clarity about executive and non-executive functions.
 - Ensuring a constructive working relationship exists between authority members and officers with responsibilities carried out to a high standard.
- c) Promoting values for the Joint Committee and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
 - Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.
 - Ensuring values are put into place and are effective.
- d) Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
 - Being rigorous and transparent about how decisions are taken.
 - Having good quality information, advice and support to ensure that services are delivered effectively.
 - Ensuring that an effective risk management system is in place.
- e) Developing the capability of members and officers to be effective
 - Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles.

- Developing the capability of people with governance responsibilities
- f) Stakeholders are engaged with to ensure robust accountability
- Effectively engaging with stakeholders
 - Taking an active and planned approach to dialogue

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

- i) Structure its governance arrangements.
- ii) Annually monitor effectiveness
- iii) Demonstrate how core principles will be applied and compliance tested.

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

APPENDIX 4i

**PATROL (PARKING AND TRAFFIC REGULATIONS OUTSIDE
LONDON) ADJUDICATION JOINT COMMITTEE
&
BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

Briefing Note for New Council Representatives

1. Introduction to the Traffic Penalty Tribunal

The Traffic Penalty Tribunal is an independent tribunal where impartial lawyers consider appeals by motorists and vehicle owners whose vehicles have been issued with:

- Penalty Charge Notices (or have been removed or clamped) by councils in England and Wales enforcing parking under the Road Traffic Act 1991 and the Traffic Management Act 2004.
- Penalty Charge Notices by councils in England undertaking civil bus lane enforcement under The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations (2005 SI No 2757).

The principal objective of the Traffic Penalty Tribunal is to provide independent, impartial and well considered decisions based on fact and law in a way that is user-focused, efficient, timely, helpful and readily accessible.

The Traffic Penalty Tribunal has its headquarters in Manchester but operates across England (outside London) and Wales with its Adjudicators and Hearing Centre Supervisors working remotely and from hearing venues in over 70 locations. The Traffic Penalty Tribunal deals with some 10,000 plus appeals per annum and has 32 Adjudicators including a Chief Adjudicator, 15 Hearing Centre Supervisors and twenty staff. Appellants and Councils are given a named Appeals Coordinator who will handle the administration of their appeal from the Notice of Appeal through to the Decision being issued.

It is the Adjudicator's function to independently decide the appeals and issue any directions required for the management of appeals.

The Traffic Penalty Tribunal comes under the supervision of the Administrative Justice and Tribunals Council which has established a Framework of Standards for Tribunals which states that tribunals should:

- Be independent
- Provide open, fair and impartial hearings
- Be accessible to users
- Focus on the needs of users
- Offer cost effective procedures

- Be properly resourced and organised
- Work with first tier decision makers to improve the “end to end” experience for the user.

Both parties, Councils and Appellants, have a right to a personal hearing, but alternatively may agree to have a telephone or postal hearing.

Technology is central to the whole operation with adjudicators accessing the tribunal's case management system remotely. The Tribunal actively encourages parties to correspond with the tribunal electronically and is also actively encouraging councils to provide the facility for appellants to appeal on line.

For more information

For more information about The Traffic Penalty Tribunal, members are requested to:

- Visit the tribunal's web site at www.trafficpenaltytribunal.gov.uk.
- Refer to the Adjudicators Annual Report – available through the web site.
- Contact the Head of Service who will be pleased to provide additional information or arrange a visit to the Manchester offices.
- Members are welcome to participate in any tribunal events e.g. council induction events or council user groups.

2. Background to the Joint Committees

The PATROL Adjudication Joint Committee, formerly the National Parking Adjudication Service Joint Committee, has been established to enable Councils having Civil Enforcement Area Orders to exercise their functions under Section 81 of the Traffic Management Act 2004 and Regulations 17 and 18 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. These functions are exercised jointly with the other councils in accordance with the requirements of Regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

The functions exercised by the PATROL Adjudication Joint Committee on behalf of its constituent councils are appointing independent adjudicators to the Traffic Penalty Tribunal (subject to the consent of the Lord Chancellor), providing these adjudicators with administrative staff and accommodation and providing hearing venues. **Its remit in relation to the Tribunal is limited to these matters.** The Joint Committee also undertakes such other associated functions as the Participating Authorities may lawfully arrange Joint Committee to perform as they from time to time consider appropriate.

The Agreement that regulates the setting up of the Joint Committee provides for one Representative for each constituent Council. Members of the Joint Committee need not be an “Executive Member” of their Council, but this is a matter for each Council to decide. If the nominated Representative cannot attend the meeting, provision is made for a named substitute to attend in his/her place.

In 2006 with the introduction of civil bus lane enforcement, it was agreed that there would be an integrated tribunal for parking and bus lane enforcement. However, there must be a separate

Joint Committee, the Bus Lane Adjudication Service Joint Committee until such time as both areas of enforcement are governed by the same legislation i.e. the Traffic Management Act 2004. Where councils enforce bus lanes, they are required to become a member of the Bus Lane Adjudication Service Joint Committee.

3. Role of Joint Committee Members

The role of Members of the Joint Committee is to oversee the functions of The Traffic Penalty Tribunal as an Independent Tribunal.

There is not a role as such in respect of the parking/bus lane enforcement activities of the Local Authority they represent on the Joint Committee nor do members have the remit to discuss or influence Adjudicator decisions. The independence and integrity of the tribunal is paramount.

Typically agenda items will include:

- Appointment of adjudicators
- New member councils
- Budgets
- Budget monitoring
- Governance Matters
- Service Charges to user councils
- General progress and service standards
- Establishment of Sub Committees and Advisory Board.
- Other relevant items of interest to the Joint Committee in exercising its duties

Members elect a Chair, Vice Chair and in the case of the PATROL Adjudication Joint Committee, an Assistant Chair. Meetings are attended by the Chair of the Advisory Board, the Chief Adjudicator and Head of Service.

The Head of Service presents reports to the Joint Committee meetings on behalf of the Lead Officer in relation to administrative matters and the Chief Adjudicator presents on judicial matters, administrative responsibilities delegated to her within the scheme of delegation and the Annual Report of the Adjudicators.

4. Joint Committee Primary Objectives

The agreed primary objectives of the Joint Committees are the provision of:

- a) A fair adjudication service for Appellants including visible independence of adjudicators from the authorities in whose areas they are working.
- b) Consistency in access to adjudication.
- c) A cost effective and equitable adjudication service for all Parking Authorities and Bus Lane authorities in England and Wales.
- d) Flexibility to deal with a wide range of local authorities with varying levels of demand for adjudication.

In addition, the Joint Committee oversees any agreed PATROL initiatives e.g. commissioning Independent Reviews and the provision of public information.

5. Joint Committee Meetings

The annual meeting of the PATROL Adjudication Joint Committee takes place in September each year in the Birmingham area.

In addition the Joint Committee has established an Executive Sub Committee which meets twice a year in January and June, again in the Birmingham area. Where possible, Bus Lane Adjudication Joint Committee meetings are scheduled to coincide with the January, June and September meetings.

The PATROL Adjudication Joint Committee has also established an Executive Sub Committee (Wales) with specific reference to matters arising from the separate regulations for the civil enforcement of parking in England and Wales.

Members are encouraged to attend in order to broaden their appreciation of the functions of the Joint Committee. In addition to local authority councillors and officers, the Joint Committee meetings are attended by the Chief Adjudicator, Chair of the Advisory Board and Head of Service. Local authority officers are also welcome to attend.

Notices and papers in respect of Joint Committee meetings are issued by the Lead Authority. Please note that, in the interests of efficiency, papers will only be issued to councillors who have confirmed that they wish to attend.

In addition, prior to each meeting Democratic Services Departments within each member authority will be notified of the publication of papers and provided with a link to a web version for reference purposes. Papers for the meetings are posted on the Manchester City Council's web site under Council Meetings and Minutes or through the following link.

http://www.manchester.gov.uk/meetings/meeting/1291/bus_lanes_adjudication_joint_committee

http://www.manchester.gov.uk/meetings/meeting/1289/civil_enforcement_of_parking_and_traffic_regulations_outside_london_patrol_formerly_npas

Any queries in relation to meetings can be addressed to the Head of Service.

6. Lead Authority and Lead Officer Role

Because the Joint Committees have no corporate status and cannot therefore contract, one of the constituent Councils has been appointed Lead Authority to enable goods and services to be provided on behalf of the Joint Committees. The responsibilities of the Lead Authority are set out in the Joint Committee's agreement and within the Scheme of Delegation. Initially Manchester has been appointed the Lead Authority.

The Joint Committees have delegated decision making in relation to the majority of day to day matters to a "Lead Officer" (initially the Lead Officer is the Chief Executive of Manchester) or to

the Chief Parking Adjudicator/Bus Lane Adjudicator, depending on the subject matter. For the most part the Head of Service of Joint Committee Services acts on behalf of the "Lead Officer".

Except in the case of urgent business, the Lead Officer, in exercising the functions delegated to him, is required to consult with an officer working party (the Advisory Board) comprising the Lead Officer plus up to eleven people, including: seven representatives of local authorities with at least one representing: an English Authority; a Welsh Authority; a District Council; a County Council; a Unitary or Metropolitan Council and a bus lane enforcement council. Representatives of the Department for Transport and National Assembly for Wales have been appointed members of the Advisory Board. There are also two other representatives, a lay member with tribunal experience, and a representative from a motoring organisation. The Advisory Board will have considered all papers being recommended to the Joint Committee.

7. Joint Committee Agreement

The form of the PATROL Adjudication Joint Committee and Bus Lane Adjudication Service Joint Committee Agreements, the articles by which local authorities becomes a member of the Joint Committee, has been the subject of detailed negotiations between the initial parties. Their final form has been approved by leading Counsel. For this reason it is requested that joining councils do not seek to make changes to the terms of the Agreements.

Whilst the Agreements provide for the terms on which the Joint Committees are to operate, including making provision for the joining of new members and for the appointment of a Lead Authority, they do not set out in detail the amount of contributions required from member councils. These contributions are decided by the Joint Committee and are set at a level which should not be prohibitive to any council wishing to join the Joint Committee. These charges will be reviewed annually by the Joint Committees at their January meetings.

8. Public Information

The Joint Committee has approved the provision of common public information on civil enforcement on behalf of local authorities. A public information web site is in operation at www.patrol-uk.info. Information about the web site can be sought from Miles Wallace on 0161 242 5290 or mwallace@patrol-uk.info.

9. Feedback

I trust that this briefing note has been useful. If you have any comments on how this might be improved, please do not hesitate to contact me.

Louise Hutchinson
Head of Service
Joint Committee Services
PATROL
Barlow House
Minshull Street
Manchester
M1 3DZ

Direct Line: 0161 242 5270

Email: lhutchinson@patrol-uk.info

www.patrol-uk.info

June 2011

REPORT FOR RESOLUTION

SUBJECT: Annual Review of Governance Documentation

REPORT OF: The Lead Officer on behalf of the Advisory Board

PURPOSE OF REPORT

To present governance documentation for annual review, as set out in the report.

RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Adopts the Standing Orders at Appendix 1
- [ii] Adopts the Financial Standing Orders and Rules of Financial Management at Appendix 2.
- [iii] Adopts the Scheme of Delegation at Appendix 3
- [iv] Notes the cycle of meetings for 2012/13

1.0 BACKGROUND

- 1.1 The Standing Orders of the Joint Committee are reviewed on an annual basis. It is proposed for 2012/13 to retain the existing Standing Orders (Appendix 1)
- 1.2 The Joint Committee is asked to approve the enclosed Financial Standing Orders and Rules of Financial Management (Appendix 2)
- 1.3 The Joint Committee is asked to approve the existing Scheme of Delegation (Appendix 3).
- 1.4 The following dates are proposed for meetings in 2012/13

Tuesday 25 September 2012
Tuesday 29 January 2013
Tuesday 25 June 2013

2.0 RECOMMENDATIONS

- [i] Adopts the Standing Orders at Appendix 1
- [ii] Adopts the Financial Standing Orders and Rules of Financial Management at Appendix 2.
- [iii] Adopts the Scheme of Delegation at Appendix 3
- [iv] Notes the cycle of meetings for 2012/13

THE BUS LANE ADJUDICATION SERVICE
JOINT COMMITTEE'S STANDING ORDERS 2012/13

<u>Index No.</u>	<u>Heading</u>	<u>Page</u>
1	Chairman Vice-Chairman and Auditors	
2	Duration of Appointments	
3	Servicing and Advice	
4	Meetings and Agenda	
4A	Cancellation of Meetings	
5	Substitute Representatives	
6	Attendance Record	
7	Order of Business	
8	Minutes	
9	Subcommittee	
10	Voting	
11	Quorum	
12	Rules of Debate	
13	Admission of Public to Meetings	
14	Disorderly Conduct	
15	Disturbance by Members of the Public	
16	Urgent Business	
17	Rescission of Preceding Resolution	
18	Delegation of Function	
19	Variation and Revocation of Standing Orders	

- 20 Interests of Representatives in Contract and Other Matters
- 21 Interests of Officers in Contracts and Other Matters
- 22 Access to Documents Information and Land
- 23 Suspension of Standing Orders
- 24 Interpretation

1. Chairman Vice-Chairman and Auditors

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

2. Duration of Appointments

- (i) Each representative on the BLASJC shall hold office from the date of the first meeting of the BLASJC following his appointment to the date of the next annual meeting of the BLASJC or until his appointment is terminated by the appointing Participating Authority which may be done at any time or until he ceases to be entitled to be a representative of that Participating Authority on a Joint Committee under the constitutional arrangements applicable to that appointing Participating Authority.
- (ii) The Chairman and Vice-Chairman shall hold office until the following Annual meeting but such office shall be deemed to be vacated if the appointment as a representative on the Joint

Committee is terminated by their Participating Authority or if they cease to be entitled to be a representative on a Joint Committee under the constitutional arrangements applicable to that appointing Authority.

3. Servicing and Advice

- (i) It shall be the responsibility of the Lead Officer to convene all meetings of the BLASJC;
- (ii) An Advisory Board may be appointed by the BLASJC comprising the Lead Officer, such other officers of the Participating Authority and other persons appointed by the BLASJC and a representative nominated by the Department for Transport (DFT) to advise the BLASJC on any matter relating to the functions conferred on the BLASJC. The Advisory Board shall be entitled to depute one or more of their number to attend and advise at meetings of the BLASJC.

4. Meetings and Agenda

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

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

The summons to any meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

- (ii) At every meeting of the BLASJC the Chairman, if present, shall preside. If the Chairman is absent the Vice-Chairman, if present, shall preside. If both the Chairman and Vice Chairman are absent the meeting shall elect a Chairman from one of its representatives. For the purposes of these Standing Orders references to the Chairman, in the context of the conduct of business at meetings, shall mean the person presiding under the Standing Order.
- (iii) Any Participating Authority acting through its representative on the Joint Committee or through an Advisory Board Representative may give written notice of an item to be placed on the Agenda of the BLASJC. All notices of items for agendas must be received by the Lead Officer not less than fifteen working days prior to the meeting to which the agenda relates.

- (iv) Each of the Participating Authorities and every Advisory Board representative shall be entitled to receive a copy of the Agenda, papers and minutes of the proceedings of the BLASJC.
- (v) The Lead Officer shall not less than seven clear days before the intended meeting of the BLASJC: -
 - (a) Circulate a notice thereof to each Participating Authority representative on the BLASJC and to the nominated officer of each Participating Authority, accompanied by a notice of the business to be transacted. Provided that the failure of any such notice to be delivered shall not affect the validity of the meeting or of the business transacted thereat.
 - (b) Publish notice thereof in the London Gazette or such other daily national publication as may be specified by the Lead Officer. Provided Always if not published in the London Gazette the Lead Officer shall give 14 days notice in writing to the Participating Authorities of the name of newspapers in which the notice of meetings is to be published.
- (vi) Deputations shall be entitled, upon prior notification being given to the Lead Officer and at the discretion of the Chairman, to attend and address the meeting for not more than ten minutes and to answer questions from representatives on the BLASJC for a further ten minutes.

- (vii) A representative of the DFT may attend the meetings of the BLASJC as adviser of the BLASJC and may participate fully on all items of business but not vote.

4A. Cancellation of Meetings

The Lead Officer may cancel or postpone 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

5. Substitute Members

If a representative of the BLASJC is unable to be present at a meeting of the BLASJC, that Participating Authority may be represented by a substitute duly appointed by that Participating Authority for the purpose in accordance with their own constitutional arrangements and whose name has been duly notified in writing to the Lead Officer of the BLASJC by the nominated Officer of the Participating Authority concerned at least 24 hours prior to the Committee meeting. A substitute attending a meeting of the BLASJC shall declare and vote as the Participating Authority representative on the BLASJC. No substitute representative may attend any meeting at which the representative for which he is substitute is present.

6. Attendance Record

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

7. Order of Business

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

8. Minutes

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

9. Sub-Committees

- (i) The BLASJC shall be entitled to appoint such Sub-committees as it thinks fit.
- (ii) The composition of all Sub-committees shall be such as to reflect the balance of political parties or groups on the BLASJC in accordance with Part 1 of the Local Government and Housing Act 1989 save that no representative may be appointed to a Sub-committee unless willing to serve.

10. Voting

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

11. Quorum

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

12. Rules of Debate

- (i) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (ii) A representative shall address the Chairman and direct any speech to the question under discussion. If two or more representatives indicate they wish to speak the Chairman shall call on one to speak first.
- (iii) An amendment shall be:
 - (a) to leave out words
 - (b) to leave out words and insert or add others
 - (c) to insert or add wordsbut any such amendment must not have the effect of introducing a new proposal into or of negating the original motion
- (iv) A representative shall not speak for longer than 5 minutes on any matter without the consent of the BLASJC.
- (v) No representative shall address the BLASJC more than once on any issue, but the mover of an original motion may reply, in which reply no new matter shall be introduced, but the reply shall be confined strictly to answering the previous observations.
- (vi) A representative may claim to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified standing order and the way in which the representative raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by him in the current

debate, which may appear to have been misunderstood. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

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

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

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

In case (b) – the debate on the motion then before the BLASJC shall stand adjourned until the next ordinary meeting of the BLASJC; or

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

In case (d) – the meeting shall stand adjourned.

- (x) If the Chairman is of the opinion that the matter before the BLASJC has been sufficiently discussed he may put the motion that the question now be put
- (xi) The Chairman shall decide all questions of order and any ruling by the Chairman upon such questions and the interpretations of these Standing Orders, and upon matters arising in debate shall be final and shall not be open to discussion.

13. Admission of Public to Meetings

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

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

proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

14. Disorderly Conduct

- (i) If the Chairman is of the opinion that a representative has misconducted, or is misconducting himself by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the BLASJC he may notify the meeting of that opinion and may take any of the following action either separately or in sequence:-
 - (a) he may direct the representative to refrain from speaking during all, or part of the remainder of the meeting
 - (b) he may direct the representative to withdraw from all or part of the remainder of the meeting
 - (c) he may order the representative to be removed from the meeting
 - (d) he may adjourn the meeting for such period as shall seem expedient to him
- (ii) In the event of general disturbance which, in the opinion of the Chairman, renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power invested in the Chairman, may without question, adjourn the

meeting of the BLASJC for such periods as in the Chairman's discretion shall be considered expedient.

15. Disturbance by Members of the Public

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

16. Urgent Business

- (i) If at any time the Lead Officer considers any matter is urgent and should be decided upon prior to the next meeting of the BLASJC then he shall consult the BLASJC's Chairman. If the Chairman agrees the matter is urgent, then the Lead Officer shall be empowered to make the decision in accordance with such recommendation, subject to the decision being recorded in writing and signed by the Lead Officer to the BLASJC.
- (ii) All decisions taken under this Standing Order shall be reported to the next meeting of the BLASJC.

17. Rescission of Preceding Resolution

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

18. Delegation of Functions

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

19. Variations and Revocation of Standing Orders

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

20. Interests of Participating Authority representatives in Contracts and Other Matters

The following code of conduct in relation to the interests of representatives in Contracts and other matters shall apply save that if any Participating Authority adopts a Code of Conduct pursuant to the provisions of section 51 of the Local Government Act 2000 then that Code shall apply with respect to the representative of that Participating Authority: -

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

other matter, whether by giving a general notice or by making an oral declaration at a meeting, he shall withdraw from the room in which the meeting is being held while the matter is under consideration unless:

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

21. Interests of Officers in Contract and Other Matters

- (i) In addition to his duty under Section 117 of the Local Government Act 1972 if it comes to the knowledge of any officer that he has a disclosable pecuniary interest in any contract which has been or is proposed to be, entered into by the

BLASJC, or in some other matters which is to be considered by BLASJC or subcommittee, he shall as soon as practicable, give notice in writing to the Lead Officer of the fact that he is interested therein.

- (ii) For the purpose of this standing order, a disclosable pecuniary interest is an interest that, if the officer were a representative of the BLASJC and if the contract or other matter were to be considered at a meeting of the BLASJC at which he were present, he would have to disclose it under Section 94 of the Local Government Act 1972.
- (iii) The Lead Officer shall record in a book to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer under Section 117 of the Local Government Act 1972 or paragraph (i). The book shall, during the ordinary office hours of the Lead Authority be open for inspection by any representative of the BLASJC.
- (iv) Where an officer submits a report to a meeting on a matter in which he has declared an interest under Section 117 of the Local Government Act 1972 or paragraph (i) he shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- (v) Where any officer advises orally a meeting of the BLASJC or a subcommittee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of Section 117 of the Local

Government Act 1972, or of paragraph (i) he shall remind the meeting orally of that interest.

22. Access to Documents, Information and Land

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

Provided that: -

- (a) no person shall be entitled to inspect any document or have access to any information relating to a matter in which he has a pecuniary interest;
- (b) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the BLASJC.
- (ii) In the case of any document other than a document to which the rights under Section 100F of the Local Government Act 1972 apply, and if the Lead Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Participating

Authority or as a representative of the BLASJC, as the case may be) of the person requesting such access, and there is good reason why access should be refused, he may refuse the person concerned access to the document or information in question.

- (iii) Where a person inspects a document under the rights conferred by Section 100F of the Local Government Act 1972 or this standing order, and the BLASJC may lawfully make a copy of that document, he shall be entitled, on request, to be given a copy of that document provided that:
 - (a) a reasonable charge shall be made for the copy unless the Lead Officer otherwise directs;
 - (b) a copy may be refused if the Lead Officer considers that it is impracticable to make a copy.
- (iv) If a representative on the BLASJC or an elected member or officer of the Participating Authorities wishes to have access to land or buildings in the occupation of the BLASJC to which the public do not have access and to which such representative, member or officer does not regularly have access, he shall apply to the Lead Officer. Unless the Lead Officer considers that there are good reasons why such access should not be given, he shall give permission but may attach conditions to that permission including particularly a condition that a specified officer of the BLASJC shall accompany the representative, member or officer.

- (v) If any member of the Participating Authorities or any other representative of the BLASJC is dissatisfied with any determination of the Lead Officer under Section 100F of the Local Government Act 1972 or under this standing order, he may refer the question to the BLASJC which shall, after considering any representations that person or the Lead Officer may wish to make, determine whether or not to uphold the Lead Officer's determination.
- (vi) No elected members or officer of the Participating Authorities and no representative of the BLASJC shall have any claim by virtue of his position:
 - (a) to enter any land or buildings occupied by the BLASJC to which the public do not have access or to which such members, officer or representative do not regularly have access except with the permission of the Lead Officer;
 - (b) to exercise any power of the BLASJC to enter or inspect other land or buildings, except where specifically authorised to do so by the BLASJC;
 - (c) to exercise any other power of the BLASJC;
 - (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the BLASJC, or with respect to any goods or services which are being, or might be, purchased by the BLASJC

- (vii) The Proper Officer for the Purpose of Section 100F(2) of the Local Government Act 1972 and for the purposes of this standing order is the Lead Officer.
- (viii) For the purposes of this standing order a person has a pecuniary interest in a matter if, on the assumptions that he were a representative on the BLASJC, and that the matter were to be considered by the BLASJC, he would have to declare the interest under Section 94 of the Local Government Act 1972.
- (ix) Where any information is given to any person (including a member of the Participating Authorities, or any representative of the BLASJC) by the BLASJC or by one of the employees of the Lead Authority in the course of transacting any business of the BLASJC, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the BLASJC.

23. Suspension of Standing Orders

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

24. Interpretation and Definitions

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

“Approved Local Authority” means a local authority specified in the Bus Lane Contraventions (Approved Local Authorities) (England) Order

2005 (as amended) or any other local authority designated as an Approved Local Authority in any order made subsequently under Section 144(3) (b) and (14) of the 2000 Act which has functions conferred on it under Regulation 11 of the Regulations

“The Agreement” means an agreement for Bus Lane Adjudication Service Joint Committee made between The Council of the City of Manchester, Hampshire County Council, Brighton and Hove City Council, Sheffield City Council, Nottingham City Council and Reading Borough Council.

“Participating Authority means any Approved Local Authority then part to the joint arrangements contained the Agreement

“Lead Authority” means such Participating Authority appointed as such pursuant to the Agreement

“Lead Officer” means the nominated officer of the Lead Authority “The Advisory Board” means the Board comprising the Lead Officer and other officers and other persons appointed by the BLASJC and may include sitting in an ex-officio capacity an official nominated by the DFT.

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

FINANCIAL STANDING ORDERS AND RULES

OF FINANCIAL MANAGEMENT 2012-13

1. All cheques and other negotiable instruments and all receipts for monies paid to the BLASJC shall be signed endorsed or otherwise executed as the case may be in such manner as the BLASJC Standing Orders and/or Financial Regulations may from time to time specify.
2. Whenever any sum of money is recoverable from or payable by a Participating Authority the same may be deducted from any sum then due or which at any time thereafter may become due to that Participating Authority
3. Upon demand of a Participating Authority the BLASJC will provide reasonable proof that the BLASJC charges are properly based and this obligation will continue for 18 months after the lawful termination of the arrangements entered into pursuant to the Agreement.
4. The BLASJC shall cause proper books of account to be kept and audited such as are necessary to give a true and fair view of the state of the affairs of the BLASJC and to explain its transactions.
5. The books of account will be kept at the office of the Lead Authority or at such other place as the BLASJC thinks fit and they shall during normal office hours be open to inspection and copying by a Participating Authority

6. The Lead Officer shall provide an annual statement each year to the BLASJC identifying the proposed budget for the next financial year which shall be submitted to the BLASJC by no later than 31 day of January for ratification and approval. The BLASJC will also provide timely statements monitoring expenditure against the budget and identifying where appropriate the basis and level of charges to the Participating Authorities
7. The Accounts of the BLASJC shall be prepared to the CIPFA Accounting Standards or similar best practice.
8. The Annual Accounts for the preceding year shall be submitted to the BLASJC for approval not later than 30 June in each year. A copy of the Report of the BLASJC auditor shall be submitted to a subsequent meeting of the BLASJC.

Item 5c

PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON
ADJUDICATION JOINT COMMITTEE (PATROLAJC)
SCHEME OF DELEGATION TO OFFICERS OF THE
LEAD AUTHORITY AND CHIEF ADJUDICATOR

Note

- i The delegated powers of officers set out in this Scheme of Delegation may be exercised by other officers authorised to act on behalf of and in the name of the relevant officer provided that administrative procedures are in place to record and monitor decisions so taken.
- ii Where an officer is given specific authority to determine a particular matter the officer should ensure that there is an appropriate audit trail to evidence such determination.
- iii All decisions taken under this scheme of delegation must be within the limits of the budgets and policies approved by the PATROLAJC.

Delegation to the Lead Officer:-

1. General

- 1. All necessary arrangements for the support of the adjudicators for the performance of their functions under Part 6 of the Traffic Management Act 2004 including the provision or securing the provision of accommodation and administrative support including the following but subject to the limitations set out below:-

2. Financial

- 1. Acceptance of the lowest tender or where appropriate to negotiate for the supply of goods, services, materials, equipment, building and civil engineering works, subject to a limit of £250,000 per contract and the acceptance of other than the lowest tender with the agreement of the PATROLAJC's Treasurer within that limit.
- 2. Authority to agree price increases where a price variation clause has been included in a contract subject to the agreement of the PATROLAJC's Treasurer.

3. The assignment of a contract or the approval of the appointment of a sub-contractor.
4. The acceptance of the tender of a sub-contractor or supplier for the specialist work or material for which a prime cost sum is included in the main contract sum for building and civil engineering works where:-
 - a) The prime cost sum included for any item does not exceed £100,000
 - b) At least four competitive tenders have been invited
 - c) The tender which it is proposed to accept does not exceed the prime cost sum included in the main contract sum, but a tender exceeding the prime cost sum may be accepted with the concurrence of the PATROLAJC's Treasurer
5. Subject to the agreement of the PATROLAJC's Treasurer:-
 - a) The writing off of debts which are irrecoverable or losses due to burglaries, break-ins, etc
 - b) The writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment etc
6. In consultation with the PATROLAJC's Treasurer the opening up of petty cash imprest accounts, etc.
7. Delegated authority in consultation with the Chairman or Vice Chairman for authorizing the withdrawal of funds from reserves to meet budgetary deficits.
8. Negotiation and agreement of variations in contracts arising out of statutory requirements.
9. Determination of ex-gratia claims for damage to, or loss of, personal property subject to the approval of the PATROLAJC's Treasurer for claims in excess of £1,000.
10. Disposal of surplus or obsolete equipment, scrap, etc, (except vehicles) to the highest tenderer.
11. To defend all claims made against the PATROLAJC and the legal recovery of debts due to the PATROLAJC.

12. To give indemnities on behalf of the PATROLAJC to organisations for the use of their facilities.
13. Responsibility for Capital Investment bids for the refurbishment of property, changes in office layout, replacement of lifts, heating, Information Technology and other equipment and plant, etc.

3. Land and Property

1. Management and use of land, property, accommodation and facilities.
2. Repair and maintenance of buildings and upkeep of grounds.
3. Temporary closure of premises.
4. Determination of hours of opening of premises and facilities, including seasonal arrangement and closure during holiday periods.
 - a) The approval and completion of property transactions on behalf of the PATROLAJC including the acquisition and disposal of freeholds, the taking and granting of leases, easements, wayleaves, rent reviews, and all other estate management issues
5. VAT
 - a) Where appropriate, and in consultation with the PATROLAJC Treasurer, to elect for VAT status on particular land and property
6. Vandalism
 - a) To take all necessary measures, to prevent vandalism of buildings belonging to or under control of the PATROLAJC

4. Miscellaneous

1. To determine officer attendance on visits.
2. To determine officer and Member attendance at Conferences/Seminars, etc (unless held abroad).
3. To determine Member attendance on visits in consultation with the Chairman or Vice Chairman.

4. Production of publications, relating to the service provided, or sale or free distribution to the public.
5. To control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations including approval of the issue of all official publicity and official publications.
6. To arrange for the institution, conduct, prosecution or defence of any claims and/or legal proceedings including the recovery of debts, the instruction of Counsel on behalf of the PATROLAJC relating to the functions of the PATROLAJC.
7. To take preliminary steps to protect the rights and interest of the PATROLAJC.
8. To prepare and arrange for the entering into of contracts and the execution of documents on behalf of the PATROLAJC.
9. To carry out any functions conferred on the Lead Officer by virtue of the Standing Orders and Financial Regulations.

5. Human Resources

1. Assignment of temporary posts which are for a period not exceeding 12 months.
2. Filling of vacant posts within approved establishments except Adjudicator posts.
3. Assignment of additional posts at grades up to the including PO6 or equivalent in categories of posts where there is already an agreed job description and a grade fixed for the post.
4. Granting acceleration of increments for any staff within their substantive grade for merit and ability.
5. Determination of requests or recommendations for honoraria, (subject to reporting every honoraria payment made to the PATROLAJC), gratuities and responsibility allowances.
6. The determination of applications for paid and unpaid leave:-
 - a) For trade union training
 - b) For health and safety, professional and other service related training

- c) For paid leave for an employee to discharge her/his duties of office of President of a Trade Union
 - d) For personal or domestic reasons
 - e) For maternity or paternity leave
 - f) For the use of part or frozen leave entitlement where there are urgent personal or domestic reasons for needing additional paid leave
7. Where appropriate, the determination of extensions of payments to employees in relation to sickness.
 8. Determination of requests for extensions of service except that of first and second tier officers.
 9. Determination of casual or essential car users allowance to officers.
 10. Determination of planned overtime for officers above Scale 6.
 11. Determination of the payment of removal expenses, lodging allowances or travelling allowances but in consultation with the Chairman or Vice Chairman of the PATROLAJC where such payments fall outside the PATROLAJC's agreed policy.
 12. Determination of proposals to attend training courses, unless the leave of absence required is for more than 10 days or where expenditure involved is in excess of £6,000, in which cases subject to consultation with the Chairman or Vice Chairman of PATROLAJC.
 13. Discipline, suspension and/or dismissal of employees.
 14. Determination of applications for early retirement.
 15. Authority to assimilate staff on appointment, promotion or regarding where he thinks appropriate within the approved grade having regard to all the circumstances.

6. Support to the Joint Committee

1. Promotion of the functions generally of the PATROLAJC including the provision of such administrative support activities required by the Adjudicators and for the efficient discharge of the adjudication service.
2. Arrange for the giving of advice and support to the PATROLAJC in legal matters.
3. Convening meetings of PATROLAJC and the Officer Advisory Board and keep the attendance record of such meetings.
4. Deal with urgent business of PATROLAJC, after consulting the Chairman or Vice Chairman.
5. Record declarations and matters of interest of PATROLAJC Members, Officers and Adjudicators.
6. Holding and providing access to PATROLAJC documents and information in accordance with the provisions of law. For the avoidance of doubt, this does not include documents held by the Traffic Penalty Tribunal in pursuance of the adjudicators' procedural regulations.

7. Extension of Chief Adjudicator's Appointment to other Council Areas

1. To grant authority to the Lead Officer, subject to the Lord Chancellor's consent, to extend the remit of the Chief Adjudicator, by appointment to her to act as Chief Adjudicator within the areas of any Council which becomes party to these Joint Committee arrangements.

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 Councils which if future become 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.

REPORT FOR RESOLUTION

SUBJECT: Appointments to the Advisory Board

REPORT OF: The Lead Officer on behalf of the Advisory Board

PURPOSE OF REPORT

To agree the terms of reference of and make appointments to the Advisory Board for the forthcoming year.

RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Adopts the Terms of Reference and Composition of the Advisory Board set out in the Appendix to this report.
- [ii] Appoints the members of the Advisory Board as set out in the Appendix until the annual meeting in June 2013.

CONTACT OFFICERS

**Louise Hutchinson, PATROL Headquarters, Barlow House, Minshull Street,
Manchester, M1 3DZ Tel: 0161 242 5270**

1.0 Introduction

- 1.1 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.
- 1.2 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.
- 1.3 At the meeting held on 28 September 2011 the Joint Committee made appointments for the period ending at the next annual meeting, these are detailed in the attached document.
- 1.4 The Joint Committee is invited to adopt the terms of reference and make the appointments recommended in the appendix to this report.

**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 the Traffic Management Act 2004 and Bus Lane Contraventions, (Penalty Charges, Adjudication and Enforcement)(England) Regulations 2005.
2. The 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 Head of Service 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 capital and revenue budgets and to scrutinise recommendations for changes before they are put before the Joint Committees.
5. To assist and advise the Head of Service on the preparation of an annual service plan

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 each from the Department for Transport (DfT) and the Welsh Government (WG).
- A representative from a motoring association.
- An independent person with knowledge of judicial or tribunal systems.

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

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 an appropriate independent person who should sit on the Board.

The DfT and WG Transport Directorate shall nominate its own representatives.

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.

Appointments and four year cycle

Local Authority Members

At the meeting of the PATROL Adjudication Joint Committee held on 28th September the following local authority members were appointed and retire as set out below.

June 2012

Carmarthenshire Vacancy	Stephen Pillner Vacancy	Welsh Authority Metropolitan
----------------------------	----------------------------	---------------------------------

June 2013

Bournemouth	John Satchwell	English Unitary
-------------	----------------	-----------------

June 2014

Hampshire Bath and North East Somerset	Marc Samways Kathryn Eldridge	English Shire Bus Lane Council
---	----------------------------------	-----------------------------------

June 2015

Manchester Winchester	Michelle Chard Andy Hickman	Lead Authority English District
--------------------------	--------------------------------	------------------------------------

Department for Transport Member

This is a matter for the DfT to decide from time to time. Currently Alan Irving is their representative.

Welsh Government Member

This is a matter for the Welsh Government Transport Directorate to decide from time to time. Currently Colin Eakitts is their representative.

Independent Member

The Joint Committee has appointed Graham Addicott OBE, as the independent member for a four year period ending June 2013.

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. Currently, Paul Watters of the AA Motoring Trust is the motoring organisation representative.

Bus Lane Member

The Bus Lane Joint Committee has appointed Kathryn Eldridge from Bath and North East Somerset as the Bus Lane Member for a four year period ending 2014.

Recommendations

Stephen Pillner (Welsh Authority) becomes eligible for re-appointment. The Advisory Board recommends this re-appointment.

REPORT FOR RESOLUTION

SUBJECT: Lead Authority Arrangements

REPORT OF: The Head of Service on behalf of the Advisory Board

PURPOSE OF THE REPORT

To provide a progress report on arrangements for a new Lead Authority.

RECOMMENDATIONS

It is recommended that the Joint Committee:

- i. Note the progress that has been made in developing the arrangements for the transfer to Cheshire East as the new host authority.
- ii. Note the temporary adjudicator arrangements to create a more robust framework to support the Adjudicators and Tribunal Staff during the succession to a new Chief Adjudicator and Lead Authority
- iii. Delegate to the Appointments Sub Committee the following objectives:
 - a) To review and approve the Memorandum of Understanding between the Adjudicators and the Joint Committee.
 - b) To review, and approve the Reserves Policy to ensure that this adequately covers all potential liabilities of the new host authority.
 - c) To review, and approve the final proposal from Cheshire East.
 - d) To approve the support arrangements for staff transferring to Cheshire East.
 - e) To be notified of the timetable for the appointment of the new Chief Adjudicator once the new host authority arrangements have been approved.
- iv. The Head of Service continues to progress discussions with Cheshire East with a view to facilitating early signature of:
 - a. The lease for accommodation within Cheshire East
 - b. The contract for the case management system
- v. The Head of Service and representatives from Cheshire East liaise with Manchester City Council in relation to the transfer arrangements of staff and services etc.
- vi. A full report of actions associated with the above will be presented to the September meeting of the PATROL Adjudication Joint Committee Executive Sub Committee and the Bus Lane Adjudication Service Joint Committee.

1. Background

- 1.1 A report was presented to the January 2012 meeting of the Executive Sub Committee in relation to the Joint Committee's Lead Authority arrangements, the notice which had been served by the current Lead Authority, Manchester City Council, and the delegations to the Appointment Sub Committee to appoint a new Lead Authority.

2. Preferred Lead Authority

- 2.1 The Appointment Sub Committee at its meeting in February 2012 identified Cheshire East Council as the preferred Lead Authority subject to a detailed report.

3. Progress Report

- 3.1 Since March 2012, the Head of Service has been working with Cheshire East's appointed Project Manager to confirm the requirements of the Traffic Penalty Tribunal Adjudicators and the services that the Joint Committee requires. The Project Manager has also met with the Chief Adjudicator and the Joint Committee's Advisory Board. The next step in this process is for the Head of Service and Chief Adjudicator to attend a workshop with heads of relevant departments at the council to enable Cheshire East to formulate its final proposal.
- 3.2 The Chief Adjudicator, in recognition of the transfer to a new Lead Authority coinciding with the appointment of a new Chief Adjudicator, has identified four Adjudicators to undertake additional judicial leadership and management duties on a temporary basis to provide continuity and strengthen support arrangements for Adjudicators and their staff during this transitional period. The Chief Adjudicator and these Regional Adjudicators will prepare a Memorandum of Understanding to underpin the arrangements between the Adjudicators and the Joint Committee.
- 3.3 Cheshire East has expressed a preference for the offices of the tribunal to be located within the borough and has been assisting the Head of Service in her search for suitable premises.
- 3.4 The Head of Service is liaising with Manchester City Council in terms of arrangements for supporting staff through the transfer to Cheshire East as the new Employer. The Head of Service will work with both authorities to finalise the practicalities of the transfer.
- 3.5 Cheshire East has been informed of the need to progress the procurement of the case management system at the earliest opportunity and is reviewing the documentation in this respect.

4. Delegation to the Appointment Sub Committee

wallacemil

Document-1261588[1].pdf – Linked File.pdf
19/06/12 11:43

xerox

