

**BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
CODE OF CORPORATE GOVERNANCE****JUNE 2011****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 5i

**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 60 locations. The Traffic Penalty Tribunal deals with some 15,000 plus appeals per annum and has 26 Adjudicators including a Chief Adjudicator, 20 Hearing Centre Supervisors and twenty-one 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

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