

DATE: Wednesday 28 September 2011

TIME: 12.30pm or at the rise of
the PATROL Adjudication Joint Committee

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

AGENDA

1. **APPOINTMENT OF CHAIR and VICE CHAIR**
To appoint Members to serve as Chair and Vice Chair.
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. **REVIEW OF GOVERNANCE DOCUMENTATION**
To approve Standing Orders, Financial Regulations, Scheme of Delegation and Cycle of Meetings.
6. **MINUTES**
To note the Minutes of the meeting of the Bus Lane Adjudication Service Joint Committee (BLASJC) held on 28th June 2011.
[Enclosed]

7. **GENERAL PROGRESS AND SERVICE STANDARDS**
To provide information in respect of the establishment of the Bus Lane Adjudication Service and take up of civil bus lane enforcement powers by Councils in England [outside London]. To provide monitoring information regarding service standards.
[Enclosed]

8. **AUDIT COMMISSION SMALL BODIES ANNUAL RETURN FOR YEAR ENDED 31ST MARCH 2011**
To approve the final annual accounts 2010/11 and note the completion of the Audit of Accounts 2010/11 and approve the management response to their recommendations.
[Enclosed] - Accounts to follow

9. **BUDGET MONITORING 2011/12**
To note the position in terms of budget monitoring at 30th June 2011.
[Enclosed]

10. **REVIEW OF RISK REGISTER**
To receive the updated risk register.
[Enclosed]

11. **ADVISORY BOARD**
To note the arrangements for establishing the Advisory Board for 2011/12.
[Enclosed]

12. **SERVICE OF NOTICES**
To receive a report on the requirements on enforcement authorities in relation to service of notices.
[Enclosed]

Sir Howard Bernstein
Chief Executive
Manchester City Council
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Agenda issued: 20 September 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 and Rules of Financial Management at Appendix 1
- [ii] Adopts the Financial Regulations at Appendix 2.
- [iii] Adopts the Scheme of Delegation at Appendix 3
- [iv] Notes the cycle of meetings for 2012

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

1.0 BACKGROUND

1.1 The Standing Orders and Rules of Financial Management of the Joint Committee are reviewed on an annual basis (Appendix 1).

1.2 Following audit recommendations, the Joint Committee is asked to approve the enclosed Financial Regulations (Appendix 2). The changes are highlighted in bold italics.

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

Tuesday 31 January 2012

Tuesday 26 June 2012

Tuesday 25 September 2012

2.0 RECOMMENDATIONS

It is recommended that the Joint Committee:

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

**THE BUS LANE ADJUDICATION SERVICE
JOINT COMMITTEE'S STANDING ORDERS
AND FINANCIAL STANDING ORDERS AND
RULES OF FINANCIAL MANAGEMENT
2011-12**

THE BUS LANE ADJUDICATION SERVICE
JOINT COMMITTEE'S STANDING ORDERS 2011/12

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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 COMMITTEEFINANCIAL STANDING ORDERS AND RULESOF FINANCIAL MANAGEMENT 2011-12.

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.

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE FINANCIAL REGULATIONS

1. General

- 1.1 These Regulations should be read in conjunction with the Parking and Traffic Regulations Outside London Adjudication 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 PATROL Adjudication Joint Committee or its Executive Sub 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 the preparation of 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 <>*

- 2.5 The Head of Service will publish and make available a final accounts/audit timetable to member authorities.

2.6 *The Auditor's report must be presented to the <>*

- 2.7 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 **including those** within the Joint Committee's Lead Authority 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 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 or its Executive Sub Committee by the end of January each year.

4.2 The Head of Service will monitor income and expenditure against the budget in consultation with the Lead Authority's External Clients Department and will report to the meetings of the PATROL Adjudication Joint Committee or its Executive Sub 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 PATROL Adjudication Joint Committee or its Executive Sub 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.**

5.6 The Head of Service shall report all bad debts to the PATROL Adjudication Joint Committee or its Executive Sub 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 or its Executive Sub Committee 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 or its Executive Sub Committee 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.

10. Assets

- 10.1 The Head of Service will ensure that all staff are aware of their responsibility for the security and proper recording of assets 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 assets over **£1,000** in value must be recorded in the Asset Registers in accordance with the Asset Management Policy. The Head of Service will also ensure that no BLASJC asset 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 Officers shall give prompt notification to the Head of Service of all new risk or any alterations which may affect existing insurances.
- 11.3 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 or its Executive Sub 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 or its Executive Sub 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 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 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 its Executive Sub Committees and the BLASJC Advisory Board

7. Financial Regulations – Operational Procedures Manual. This manual contains all policies, procedures and guidelines to staff referenced within these Regulations.

Approved Date 29th June 2010 (Executive Sub Committee)

September 2010 Full Joint Committee

Review Date 28th September 2011

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.

Bus Lanes Adjudication Service Joint Committee

Minutes of the Meeting held on 28 June 2011 at the Warwickshire County Cricket Club, Edgbaston, Birmingham

Present:

Councillor Tony Burns – Manchester City Council – **In the Chair**
Councillor Rose – Oxfordshire County Council
Councillor Davey – Brighton & Hove City Council

Also Present:

Louise Hutchinson	PATROL
Miles Wallace	PATROL
Jason Dobson	PATROL
Caroline Sheppard	Traffic Penalty Tribunal
Andrew Barfoot	Traffic Penalty Tribunal
Chris Shepherd	For PATROL Secretary
Andrew Barfoot	Traffic Penalty Tribunal
Paul Nicholls	Brighton & Hove City Council
John McEvoy	Carmarthenshire County Council
Robin Chantrell-Smith	Thanet District Council
Roy Tunstall	Liverpool City Council
Elizabeth Round	Reading Borough Council
Ian Thomas	Reading Borough Council
Helen Crozier	Oxfordshire County Council
John Satchwell	Bournemouth Borough Council & Advisory Board

BLAS/11/11 Appointment of Chair and Vice Chair

Decision

To re-appoint Councillor Burns (Manchester) as Chair, Councillor Dickens as Vice Chair (Hampshire).

Councillor Burns – In the Chair

BLAS/11/12 Minutes

Decision

To approve as a correct record the Minutes of the meeting held on 25 January 2011.

BLAS/11/13 Report of the working group for Traffic Regulation Orders

The Lead Officer submitted a report concerning the Working Group on Traffic Regulation Orders (Bus lanes).

Decision

1. To approve the circulation of the report to local authorities enforcing or planning to enforce civil bus lane enforcement
2. To note the arrangements for local authorities to feedback comments between now and September for these to be taken into consideration prior to joint publication with the Parking TRO report which will be presented to the September meeting
3. To note that it is the responsibility of local authorities to ensure that their traffic regulation orders meet statutory requirements

BLAS/11/14 General Progress and Service Standards

A report of the Lead Officer was submitted on progress in relation to (a) the take up of civil enforcement of bus lane powers by Councils in England (outside London), and (b) general progress and service standard performance.

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/11/15 Risk Register and Risk Management Strategy

A report of the Lead Officer was submitted concerning the current evaluation of risk and seeking approval of a Risk Management Strategy which would underpin the future management, monitoring and report of risk to the Joint Committee.

Decision

1. To approve the Risk Management Strategy and summary of the Joint Committee's Risk Appetite
2. To receive a risk report at each meeting

BLAS/11/16 Internal Audit Assurance Statement 2010/11

A report of the Lead Officer presented the Internal Audit Assurance Statement for 2010/11.

Decision

1. To note the Internal Audit Assurance Statement for 2010/11.
2. To review the internal audit plan for 2011/12 at the meeting in January 2012.
3. To note the Internal Audit Report concerning the recharge mechanism

BLAS/11/17 Draft Annual Return for 2010/11

A report of the Lead Officer was submitted which presented the draft Annual Accounts for the year 2010/11.

Decision

1. To note the outturn position at 31 March 2011.
2. To approve the revised recharge mechanism.
3. To approve the 2010/11 Annual Return, the Annual Internal Audit Report and the Balance Sheet
4. To note that the External Auditor's report and final Annual Accounts for 2010/11 will be submitted to the committee in September.
5. To approve the surplus of income over expenditure of £55,871 being added to the Joint Committee's General Reserves
6. To approve the Code of Corporate Governance

BLAS/11/18 Renewal of Part-time Adjudicator appointments 2011/12
(public excluded)

A report of the Chief Adjudicator of the Traffic Penalty Tribunal was submitted which gave detail on the renewal of appointment of the Adjudicators listed in the report.

Decision

1. To note the report.

BLAS/11/19 Any other business

To welcome Councillor Davey to his first meeting of the Committee as the representative for Brighton & Hove City Council..

BLAS/10/20 Date of Next Meeting

Decision

To note that the next meeting of the Bus Lane Adjudication Service Joint Committee be held on 28th September 2011 at Warwickshire County Cricket Ground, Birmingham.

REPORT FOR INFORMATION

SUBJECT: GENERAL PROGRESS AND SERVICE STANDARDS

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 enforcement of bus lanes powers by Councils in England [outside London]; (b) general progress and service standard information.

RECOMMENDATIONS

It is recommended that the Joint Committee:

- [i] Notes the information in respect of the take up of civil bus lane enforcement powers.
- [ii] Notes the performance information.

FINANCIAL CONSEQUENCES TO THE REVENUE BUDGET

None

CONTACT OFFICER

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

BACKGROUND**1. PERIOD OF REPORTING**

This report provides information in relation to the period April to June 2011.

2. COUNCILS IN THE SCHEME

The following local authorities are party to the BLASJC Agreement: at 28th September 2011

Bath and North East Somerset Council	Reading City Council
Brighton & Hove City Council	Oxfordshire County Council
Essex County Council	Sheffield City Council
Hampshire County Council	Nottingham City Council
Manchester City Council	Stockton on Tees Borough Council
Liverpool City Council	Bristol City Council
Bournemouth Council	Gloucestershire County Council
South Tyneside Council	Coventry Council
Bradford City Council	Bury Metropolitan Borough Council
Stoke on Trent Council	Leeds City Council
Luton Borough Council	Medway Council
Hertfordshire County Council	

3. ADMINISTRATIVE TARGETS

Two indicators give an indication of availability and responsiveness for the Service – the acknowledgement of appeals and telephone response times.

As an integrated tribunal, no distinction is made between the response to bus lane and parking related telephone calls or acknowledgement of appeals. The results are as follows:

PERIOD	% Phone calls answered within 15 seconds	Target	% Appeals acknowledged within 2 working days	Target
2002/03	96%	80%	99%	80%
Year 2003	96%	80%	99%	80%
Year 2004	97%	80%	99%	80%
Year 2005	97%	90%	99%	95%
Year 2006	98%	90%	92%	95%
Year 2007	98%	90%	96%	95%
Year 2008	-	90%	96%	95%
Year 2008/09	96.84%	90%	96%	95%
Year 2009/10	96.32%	90%	97%	95%
Year 2010/11	96.03%	95%	98.95%	95%
Apr-Jun 2011	96.15%	95%	99.45	95%

4. SERVICE STANDARDS – PERFORMANCE INDICATORS

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". The Joint Committee in 2007 approved the introduction of the following service standards:

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.

It is recognised that Members are also interested in the period of time taken to dispose of a case and for this reason, the following statistics reflect the number of weeks to case closure rather than the number of weeks to the date of the first hearing offered.

The reports on case closure include all cases registered during April to June 1011 (and for comparison during the year ending 31 March 2011) which have been decided. The report was run in August 2011. 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

Case closure times – bus lanes (England)

The table below presents case closure times by hearing type (postal, personal, telephone). The first column in each hearing types provides data on the previous year (April to March 2011) for comparison. The figures in bold are in respect of the first quarter, April to June 2011.

The table below indicates:

- i. The average number of weeks between registration and decision issued across all hearing types in the first quarter of 2011/12.
- ii. The proportion of postal cases with less than 7 weeks between registration and decision has increased from 68.57% for the year 10/11 to 91.10 in the first quarter with case numbers in this category increasing (i.e. 266 for one quarter in 2011 compared to 563 for the year 2010/11)
- iii. The proportion of personal cases with less than 8 weeks between registration and decision has increased with the numbers in the first quarter remaining at similar levels for equivalent period in 2010/11.
- iv. The proportion of telephone cases with less than 8 weeks between registration and decision has increased with number of cases in this category higher than for the equivalent period in 2011/11.
- v. The proportion of cases with less than 12 weeks between registration and decision is showing 100% or just below for telephone and postal cases and 86.67 % for personal cases – this represents a significant increase across all hearing types.

Type of Hearing	Postal					Personal					Telephone				
	April 2010 10 March 2011	April - Jun 2011	July - Sep2011	Oct - Dec 2011	Jan - Mar 2012	April - Mar 2011	April - Jun 2011	July - Sep2011	Oct - Dec 2011	Jan - Mar 2012	April - March 2011	April - Jun 2011	July - Sep2011	Oct - Dec 2011	Jan - Mar 2012
Average no of weeks between registration and decision issued	6.13	3.67				11.86	8.93				8.14	6.17			
Cases with less than 7 weeks between registration and decision (postal target)	563	266				n/a	n/a				n/a	n/a			
Percentage	68.57	91.10				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				26	7				70	26			
Percentage	n/a	n/a				30.23	46.67				67.69	89.66			
Cases with less than 12 weeks between registration and decision (personal/telephone target)	723	291				51	13				88	29			
Percentage	88.06	99.66				59.30	86.67				85.44	100.0			

REPORT FOR RESOLUTION

SUBJECT: AUDIT COMMISSION SMALL BODIES ANNUAL RETURN
FOR YEAR ENDED 31ST MARCH 2011

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

PURPOSE OF THE REPORT

To report the findings of the audit.

RECOMMENDATIONS

It is recommended that the Joint Committee:

1. Notes the findings of the audit in the enclosed Annual Return and Issues Arising Report and the management responses.

CONTACT OFFICER

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

1. Background

- 1.1 At its meeting on 28th June 2010, the Joint Committee accepted the Audit Commission's recommendation to appoint BDO LLP for a period of three years i.e. 2009/10 to 2011/12 inclusive to conduct a Limited Assurance Audit.
- 1.2 The Accounts and Audit Regulation changes for small bodies require the Annual Return to be approved before the end of June. The Joint Committee approved the unaudited return in June 2011.
- 1.3 Enclosed is the complete audited Annual Return and Issues Arising Report for 2010/11.

2. Recommendations

It is recommended that the Joint Committee:

- i) Notes the findings of the audit in the enclosed Annual Return and Issues Arising Report and the management responses.

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

28th September 2011
Item 8

ENCLOSURE FOR ITEM 8 PREVIOUSLY CIRCULATED

**AUDITED ANNUAL RETURN
AND
ISSUES ARISING REPORT FOR THE YEAR ENDED 31 MARCH 2011**

Section 4 - Annual internal audit report to

BUS CASE ADMINISTRATION SERVICE 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 2011.

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.	YES
B The body's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT was appropriately accounted for.	YES
C The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	YES
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.	YES
E Expected income was fully received, based on correct prices, properly recorded and promptly banked, and VAT was appropriately accounted for.	YES
F Petty cash payments were properly supported by receipts, expenditure was approved and VAT appropriately accounted for.	YES
G Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied.	YES
H Asset and investments registers were complete and accurate and properly maintained.	YES
I Periodic and year-end bank account reconciliations were properly carried out.	YES
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.	Not Covered

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 Area 'NOT Covered' and Areas for Improvement.

Name of person who carried out the internal audit: Tom Powell - HEAD OF AUDIT & RISK MANAGEMENT

Signature of person who carried out the internal audit: [Signature] Date: 02/06/2011

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)

Section 1 - Accounting statements for:

BUS CASE ADMINISTRATION SERVICE JOINT COMMITTEE

	Year ending		Notes and Guidance
	31 March 2010 £	31 March 2011 £	
1 Balances brought forward	29,915	65,582	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	NIL	NIL	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body.
3 (-) Total other receipts	123,857	230,34	Total income or receipts as recorded in the cashbook less income from taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	NIL	NIL	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	NIL	NIL	Total expenditure or payments of capital and interest made during the year on the body's borrowings (if any).
6 (+) All other payments	88,190	174,470	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7 (=) Balances carried forward	65,582	12,483	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	31,446	280,050	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	NIL	NIL	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	NIL	NIL	The outstanding capital balance as at 31 March of all loans from third parties (including PwL/E).

I certify that for the year ended 31 March 2011 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: [Signature]

Date: 17.06.2011

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

28.06.2011

and recorded as minute reference:

BUAS/11/7

Signed by Chair of meeting approving these accounting statements: [Signature]

Date: 28.06.2011

Section 2 - Annual governance statement

We acknowledge as the members of BUS LANE ASSURANCE SERVICE JOINT COMMITTEE our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2011, that:

	Agreed - Yes or No	Yes means that the body: prepared its accounting statements in the way prescribed by law.
1 We have approved the accounting statements prepared in accordance with the requirements of the Accounts and Audit Regulations and proper practices.	YES	made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
2 We have maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	YES	has only done things that it has the legal power to do and has conformed to codes of practice and standards in the way it has done so.
3 We have taken 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.	YES	during the year has given all persons interested the opportunity to inspect and ask questions about the body's accounts.
4 We have provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	YES	considered the financial and other risks it faces and has dealt with them properly.
5 We have carried out an assessment of the risks facing the body and taken appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	YES	arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of the body.
6 We have maintained throughout the year an adequate and effective system of internal audit of the body's accounting records and control systems.	YES	responded to matters brought to its attention by internal and external audit.
7 We have taken appropriate action on all matters raised in reports from internal and external audit.	YES	disclosed everything it should have about its business activity during the year including events taking place after the year-end if relevant.
8 We have considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on the body and where appropriate have included them in the accounting statements.	YES	

Signed by:

Chair [Signature]
dated 28.06.2011

Signed by: [Signature]
Clerk [Signature]
dated 28.06.2011

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

B.L.A.S. 11.17
dated 28.06.2011

*Note: Please provide explanations to the external auditor on a separate sheet for each 'No' response that has been given, and describe what action is being taken to 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 2011 of

Bus Lane Assurance Service Joint Committee

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 2011; 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:

BD0 LLP Southampton
United Kingdom

Please see enclosed report

(continue on a separate sheet if required)


External auditor's signature [Signature]

External auditor's name **BD0 LLP Southampton**

Date 21/9/11

United Kingdom

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



**ISSUES ARISING REPORT FOR
Bus Lane Adjudication Service Joint Committee
Audit for the year ended 31 March 2011**

Introduction

The following matters have been raised to draw items to the attention of Bus Lane Adjudication Service Joint Committee. These matters came to the attention of BDO LLP during the audit of the annual return for the year ended 31 March 2011.

The audit of the annual return may not disclose all shortcomings of the systems as some matters may not have come to the attention of the auditor. For this reason, the matters raised may not be the only ones that exist.

The matters listed below are explained in further detail on the page(s) that follow;

- Review of effectiveness of internal audit
 - Minutes
 - Internal Audit Checks
 - Internal auditor's recommendation
-

The following issue(s) have been raised to assist the body in improving its internal controls or working practices. The body is recommended to consider these but is under no statutory obligation to act upon them.

Internal Audit Checks

What is the issue?

The Internal Auditor has entered 'Not Covered' to the following test(s) on Section 4 which we consider relevant to the body. The Internal Auditor has not stated, or noted as required on Section 4 of the Annual Return, when the most recent internal audit work was undertaken and when it is next planned in respect of these test(s), or, if coverage is not required, explained why not.

Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments/income and expenditure), agreed with cash book, were supported by an adequate audit trail from underlying records, and, where appropriate debtors and creditors were properly recorded.

Why has this issue been raised?

Failure to undertake these tests result in an incomplete internal audit being undertaken and the body could be exposed to risks in these areas.

What do we recommend you do?

The above tests should be carried out in future years by the Internal Auditor. The body should ensure he/she provides a full report to the body to ensure all the activities are properly carried out and recorded.

Further guidance on this matter can be obtained from the following source(s):

Governance and Accountability in Local Councils in England - A Practitioners Guide, NALC/SLCC

The following issue(s) have been raised to assist the body. The body is recommended to take action on the following issue(s) to ensure that the body acts within its statutory and regulatory framework.

Review of effectiveness of internal audit

What is the issue?

When performing their review of the effectiveness of the internal audit, the body have not addressed some/or all of the following areas:

- Scope of the internal audit
- Independence
- Competence
- Relationships
- Audit planning and reporting

These areas are important in maintaining an adequate system of internal control at the body.

Why has this issue been raised?

The review is considered to be part of the internal control procedures which are required to be reviewed under Regulation 4 of the Accounts and Audit (England) Regulations 2011.

What do we recommend you do?

The body should ensure a more robust review of the effectiveness of the internal audit is undertaken annually before the end of the financial year. This review is recommended to be undertaken when reviewing the systems of internal control and the risk assessment.

Examples of how to undertake the review can be found on our Local Council extranet. If you do not have access to the internet please contact us and a copy can be issued by post.

Further guidance on this matter can be obtained from the following source(s):

Local Council Briefing Winter 2011 - BDO LLP
BDO Extranet - www.bdo.co.uk/BDOSH/councils

Minutes

What is the issue?

The body produced printed minutes, which were submitted for audit purposes. The pages were not initialled by the person signing the minutes.

Why has this issue been raised?

This body submitted minutes for audit purposes which were not maintained in accordance with schedule 12, paragraph 41(2) of the Local Government Act 1972.

What do we recommend you do?

The body should ensure with immediate effect that if a loose leaf minute book is maintained the loose leaf pages are consecutively numbered and initialled by the person signing the minutes.

Minutes must be maintained in accordance with the Local Government Act 1972. Loose leaf minute

books are lawful but the loose leaf pages must be consecutively numbered and each page must be initialled by the person signing the minutes.

Further guidance on this matter can be obtained from the following source(s):

Local Council Administration, 7th Edition, Charles Arnold-Baker, Chapter 7

Internal auditor's recommendation

What is the issue?

The internal auditor has noted a weakness in the financial systems of the body.

Why has this issue been raised?

The body is exposed to the risks associated with this weakness.

What do we recommend you do?

The body must implement the recommendation made by the internal auditor to improve the financial systems of the body as soon as possible or in any event before the end of the current financial year.

If the body addresses the issues raised by the internal auditor the body should improve internal controls which will help to prevent and detect error and fraud and assist the body to operate in an effective and efficient manner.

Further guidance on this matter can be obtained from the following source(s):

Governance and Accountability in Local Councils in England - A Practitioners Guide, NALC/SLCC

No other matters came to our attention.

For and on behalf of
BDO LLP

Date: 21 September 2011

REPORT FOR RESOLUTION

SUBJECT: Monitoring of Revenue Account 2011/12

REPORT OF: The Lead Officer

PURPOSE OF REPORT

To present to the Committee expenditure monitoring information in respect of the Revenue Account for the year 2011/12.

RECOMMENDATIONS

It is recommended that the Joint Committee:

[i] Notes the income and expenditure position at 30th June 2011.

[ii] Notes that a further report will be presented to the January 2012 meeting.

CONTACT OFFICER

Louise Hutchinson, PATROL, Barlow House, Minshull Street, Manchester.
Tel: 0161 242 5252

INTRODUCTION

- 1.1 At the meeting of the Bus Lane Adjudication Service Joint Committee (BLASJC) held 25TH January 2011, the revenue budget estimate was approved for the year 2011/12 (see Table 1).
- 1.2 This report provides the Committee with the income and expenditure position at 30 June 2011.
- 1.3 The adjudication service is operated on a self-financing basis with income obtained from contributions from the BLASJC member authorities. There is no capital budget for the year 2011/12.

2.0 BACKGROUND

- 2.1 The revenue budget estimate was established by the Committee for 2011/12 on the basis that this would reflect the Councils who are already members of the BLASJC.
- 2.2 Income and expenditure is broadly in line with the profiled budget at 30 June 2011. The negative expense items in relation to the TRO Working Group relate to reversals of 2010/11 adjustments for items which had been paid for through the parking account.
- 2.3 This report only represents the first three months of 2010/11 and it is not possible to accurately forecast the outturn at this point however it is anticipated that this will be within budget.

3.0 RECOMMENDATIONS

It is recommended that the Joint Committee:

[i] Notes the income and expenditure position at 30th June 2011.

[ii] Notes that a further report will be presented to the January 2012 meeting.

Table 1: Budget Monitoring at 30 June 2011.

TABLE 1 Analysis		Budget 2011/2012	Projected Expenditure 30-Jun-11	Actual Expenditure 30-Jun-11	Variance
Expenditure:					
Bus Lane User Group meetings		4,500	1,000	0	1,000
Contribution to Reserves		3,471	0	0	0
External Audit		1,000	0	0	0
Internal Audit		2,150	0	0	0
PATROL charges for adj services		231,176	57,794	59,764	-1,970
Service Management & Support		1,000	0	0	0
Supplies & Services		0	0	-666	666
TRO Working Group		3,000	3,000	-6,564	9,564
Total Expenditure		246,297	61,794	52,534	9,260
Income:					
Penalty Charge Notices		-246,297	-61,574	-66,103	4,529
Other Non PCN Income		0	0	0	0
Parking PCN Adjustment		0	0	9,098	-9,098
Parking PCN Audit Adjustment		0	0	0	0
Adjudication case charge		0	0	0	0
Contribution from Reserves		0	0	0	0
Bank Interest		0	0	-231	231
Total Income		-246,297	-61,574	-57,236	-4,338
Net (Surplus)/Deficit		0	220	-4,702	4,922

FOR RESOLUTION

SUBJECT **Review of Risk Register**
REPORT OF **The Lead Officer on behalf of the Advisory Board**

PURPOSE OF THE REPORT

To report on the most recent review of the risk register.

RECOMMENDATIONS

The Joint Committee is recommended to

- [i] Review the current evaluation of risk (Appendix 1)
- [ii] Note the arrangements for management of risk in accordance with the risk matrix set out in the report.

FINANCIAL CONSEQUENCES

There are no immediate financial consequences resulting from this report.

CONTACT OFFICERS

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

1. BACKGROUND

1.1 The Joint Committee established a Risk Register in 2008. The Risk Register was reviewed by External Audit during their 2009/10 audit and a recommendation was made to review the identified risks. This was completed and subject to internal audit in 2010/11 where it was recommended that the Joint Committee establish a Risk Management Strategy. This was approved at the June 2011 meeting.

1.2 The Risk Management Strategy sets out how risk will be managed in accordance with the level of identified risk. This is set out in the risk matrix below:

Risk Matrix

		Consequence				
		5	4	3	2	1
Likelihood	5	25			10	
	4			12	8	
	3		12	9	6	
	2	10	8	6		
	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 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.

1.3 The risk register at Appendix 1 has been prepared in the light of the Risk Management Strategy.

2. RECOMMENDATIONS

The Joint Committee is recommended to:

- [i] Review the current risk register (Appendix 1)
 - [ii] Note the management of risk in accordance with the risk matrix above.
-

BUS LANE ADJUDICATION SERVICE Risk Register September 2011

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 Benchmarking with external data.	Internal & External Audit Reports Committee Reports	Treat			Continued forecasting, budget monitoring and cashflow analysis.	HOS
2	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.	HOS
3.	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	HOS/CA
4.	Inability of IT to support needs of organisation and technology users	Reduced effectiveness and efficiency for tribunal, councils and appellants.	4	3	12	IT Improvement Programme Contract Management Performance Monitoring	Business Process and IT Review	Treat			Implement recommendations of the Business Process and IT Review. Separation of tribunal's domain	HOS
5.	Loss of key members of management and staff	Disruption to operations Management of vacancies Project and operational targets affected	3	3	9	Clearly defined roles with flexibility to provide cover. Documented procedures Arrangements for temporary cover	Committee Reports	Treat			Review of existing vacancies and risk based approach to planning for future vacancies.	HOS

6.	Insufficient adjudicator/staff resources to meet demand	Inability to meet targets Pressure to reach decisions may result in increased number of judicial reviews	3	3	9	Monitoring of demand and performance Adjudicator recruitment in 2010/11 Staff recruitment, induction, training and appraisal. Contingency Planning 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.	Committee Reports	Treat			Adjudicator Recruitment 2011	CA
7.	Health and Safety Breach	Risk to welfare of adjudicators, appellant, staff Disruption to tribunal operation	3	1	3	Reporting requirements for Health and Safety Matters					None at this time	HOS
8	Achievement of Key Objectives	Failure to achieve key objectives	4	1	4	Performance Management Strategy Strengthening project management to handle multiple projects	Internal & External Audit Reports Committee Reports	Treat			Review Recommendations from the review of Business Process and IT Review	HOS

CA = Chief Adjudicator
HOS = Head of Service

Note 1 The Risk Register is underpinned by business continuity planning arrangements.

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.

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
28th September 2011

Item 10 Appendix 1

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 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.

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 for 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.

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 21 September 2010 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.

**PATROL & 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 21st September the following local authority members were appointed and retire as set out below.

September 2011

Manchester	Michelle Chard	Lead Authority
Winchester	Andy Hickman	English District

September 2012

Carmarthenshire	Stephen Pilsner	Welsh Authority
Leeds	Chris Bramham	Metropolitan

September 2013

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

September 2014

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

Department for Transport Member

This is a matter for the DfT to decide from time to time. Currently Alan Irving and Barbara King are their representatives.

Welsh Assembly Government Member

This is a matter for the WG 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 September 2014.

Recommendations

On this basis the Lead Authority Representative, Michelle Chard and English District Representative, Alan Hickman becomes eligible for re-appointment. The Advisory Board recommends these re-appointments.

REPORT FOR RESOLUTION

SUBJECT: Service of Notices

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

PURPOSE OF REPORT

To inform Members of the requirements placed on Local Authorities undertaking Civil Parking Enforcement in relation to the Service of Notices and to seek views on the impact of these requirements.

RECOMMENDATIONS

1. Council Officers should be requested to provide evidence relating to the current Post Office First Class Post expenditure on postage for parking with comparisons with other postal services used by other departments within the Council.
2. After the evidence has been reviewed, if appropriate, it is recommended that the Chair should write to the Secretary of State for Transport on the Joint Committee's behalf seeking amendment of the service provisions in the Regulations to allow greater flexibility and value for money for enforcement authorities

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1. BACKGROUND

- 1.1 The service provisions for bus lanes are contained in Regulation 2(5) of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005

“References to the service of a document include service by post and, in determining for the purposes of these Regulations the date on which a notice or other document is served by post, it shall be presumed that service of a notice sent by first class post was effected on the person to whom it was addressed on the second working day after the day on which it was posted.”

- 1.2 Therefore for bus lanes there is no absolute requirement to send a notice by first class post, but there is a presumption that it was sent by that method, and was served on the second working day.
- 1.3 If the service provisions were amended there would need to be requirement as to delivery of notices that provided certainty for the recipients as to when they must pay or make representations.

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