

PATROL Adjudication Joint Committee

Agenda

Date: Tuesday 11th July 2017
Time: 11.30 am
Venue: The Hoare Memorial Hall, Church House, Dean's Yard,
London SW1P 3NZ

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

To appoint a Chairman, Vice Chairman, Assistant Vice Chairman and Assistant Vice Chairman (Wales) until the next meeting of the Joint Committee

2. **Apologies for Absence**

To receive apologies for absence

3. **Declaration of Interest**

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

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

To approve the minutes of the PATROL Adjudication Joint Committee held on 12 July 2016

5. **Minutes of the meeting held on 31 January 2017** (Pages 13 - 22)

To note the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held on 31 January 2017

6. **Chairman's Update**

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

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7. **Report of the PATROL and BLASJC Resources Working Group**
(Pages 23 - 28)

To report on the PATROL and BLASJC Resources Working Group which met on 21 March and 6 June 2017 and to approve the updated Terms of Reference and future tasks

8. **Draft Annual Report Return 2016/17** (Pages 29 - 66)

To approve the draft annual return and note supporting documentation

9. **Risk Management Strategy, Risk Register and Business Continuity Strategy**
(Pages 67 - 74)

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

10. **Review of Governance Documentation** (Pages 75 - 126)

To review governance matters and documentation

11. **Establishment of Executive Sub Committee** (Pages 127 - 130)

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

12. **Appointments to the Advisory Board** (Pages 131 - 136)

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

13. **Wales Update**

To note the progress of civil enforcement regulations in Wales

14. **General Progress Report** (Pages 137 - 148)

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

15. **Chief Adjudicator's Update**

To receive a report from the Chief Adjudicator

16. **Road User Charging Scheme - Merseyflow** (Pages 149 - 156)

To update the Joint Committee on the planned introduction of enforcement and appeals against road user charging penalties issued at the Mersey Gateway in Autumn 2017

17. **Clean Air Zones** (Pages 157 - 172)

To inform Members on the proposed introduction of and consultation on Clean Air Zones

18. **Draft Littering Strategy for England 2017** (Pages 173 - 182)

To update the Joint Committee on proposals to introduce powers for local authorities to issue penalty charge notices in respect of littering from vehicles

19. **PATROL Parking Annual Report by Councils (PARC) Awards**
(Pages 183 - 186)

To note the shortlist for the 2015/16 PARC awards and arrangements for 2016/17 awards

20. **PATROL Website**

To update Members on the development of the new site

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

PRESENT

Councillor Jamie Macrae (Cheshire East Council) in the Chair

Councillors

Kevin Anderson	Wigan Metropolitan Borough Council
Keith Baldry	South Hams District Council
Richard Bell	Sunderland City Council
Derek Burrows	Bolton Council
Anthony Clarke	Bath and North East Somerset Council
Steve Clarke	New Forest District Council
Nigel Cooke	Stockton-on-Tees Borough Council
Peter Cooper	Carmarthenshire County Council
Simon Cronin	Worcester City Council
Matthew Dickins	Sevenoaks District Council
Terry Douris	Hertfordshire County Council
Ken Gregory	Thanet District Council
Stuart Hughes	Devon County Council
Gary Jones	East Hertfordshire District Council
Malcolm Kennedy	Liverpool City Council
Alan Kerr	South Tyneside Council
Nigel Knapton	Hambleton District Council
Geraint Owens	City and County of Swansea
Tony Page	Reading Borough Council
Marje Paling	Gedling Borough Council
Ian Ward	Isle of Wight Council

Officers in attendance

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

Professor John Raine Birmingham University

1 APPOINTMENT OF CHAIRMAN, VICE CHAIRMAN AND ASSISTANT CHAIRMAN

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

RESOLVED

That the following appointments be made:

Chairman - Councillor Jamie Macrae (Cheshire East Council)
Vice-Chairman - Councillor Stuart Hughes (Devon County Council)
Assistant Chairman - Councillor Terry Douris (Hertfordshire County Council)

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors, B Behan, B Bremner, G Burgess, J Cameron, D Davis, T Edmonston-Low, J Gambold, I Gillies, M Gordon, I Hardiman, J Harrison, P Hiscocks, S Horan, C Jenkins, E Lintill, N McDonald, D Nimmo-Smith, P Robinson, D Watson; and from K Eldridge.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 MINUTES OF THE MEETING HELD 23RD JUNE 2015

RESOLVED

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

5 MINUTES OF THE MEETING HELD 27TH JANUARY 2016

RESOLVED

That the minutes of the meeting held on 27 January 2016 be approved as a correct record subject to the addition of Cllr A Clarke to the list of those present.

6 CHAIRMAN'S UPDATE

The Chairman welcomed Councillors and Officers to the meeting and introduced the following new Councillors:

- K Anderson – Wigan
- B Cooke – Stockton
- K Baldry – South Hams
- M Dickins – Sevenoaks

Professor J Raine, who would be giving a presentation later on the agenda, was also introduced and it was noted he was himself a Councillor for Malvern Hills. The thanks of the Joint Committee was extended to Councillor R Dibbs who had served on the Committee for many years and whose nomination had recently ended.

Other new Councils that had joined recently including Wakefield, and North and West Dorset and the City and County of Swansea had commenced bus lane enforcement under the Traffic Management Act.

Recent events included the Bus Lane User Conference in London at which it had been seen there was frustration as to why English Councils could not enforce all elements of traffic management. It was reported that PATROL was working to persuade the Government this was the right course of action; a copy of the Transport Extra article following the conference was tabled for information.

Training workshops on FOAM (Fast Online Appeal Management) by Iain Worrall, the Authority Engagement Manager, were continuing around the regions, and had also been held at Parkex, in order to get Councils on board using the online system as quickly as possible; an item on this would appear later on the agenda as would a report on the continuing interest in the online system and its use in other areas of the judiciary.

The Annual Report Award reception had been held at the House of Commons the preceding day and work continued to share best practice in reporting by the use of the toolkit. Regional workshops were being delivered and it was intended to continue this engagement with parking managers so as to promote consistency in statistical and financial reporting. PATROL had responded to the DCLG consultation on strengthening the Transparency Code 2015 citing the annual report Toolkit and Excel Spreadsheet which went beyond requirements, with the goal being to make it as easy as possible for local authorities to report.

RESOLVED

That the report be noted.

7 REPORT OF THE PATROL AND BLASJC RESOURCES WORKING GROUP

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

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

RESOLVED

1. That the report on the matters discussed at the meeting on 25 May 2016 be noted.
2. That approval be given to the Terms of Reference for PATROL and BLASJC Resources Working Group as attached at Appendix 1 of the report.
3. That approval be given for the Resources Sub-Committee and Working Group to oversee the matters highlighted in the report and to report back to the next meeting of the Joint Committees or their Executive Sub-Committees.
4. That a presentation be considered at a future meeting of the Sub Committee on the introduction of the Traffic Signs Regulation and General Directions 2016.
5. That a presentation on FOAM be given to a future meeting of the Executive Sub-Committee.

8 APPOINTMENT OF AUDITORS

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

RESOLVED

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

9 DRAFT ANNUAL RETURN 2015/16

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

The report detailed those areas where income had exceeded budget forecast, an overview of expenditure, and details of the level of reserves. The audit had concluded the majority of controls were operating effectively and a 'Satisfactory Assurance' opinion had been given. The Director explained the recommended actions in detail.

RESOLVED

1. That the outturn position against the 2015/16 budget, shown in Appendix 1 of the report, be noted.
2. That the 2015/16 draft Annual Return, shown in Appendix 2 of the report, be approved.
3. That the Annual Internal Audit Report, shown in Appendix 3 of the report, be noted.
4. That the audit timetable included within the report be approved.
5. That the Balance Sheet and Cash Flow Statements, shown at Appendices 4 and 5 of the report, be noted.
6. That approval be given to the surplus of income over expenditure of £1,138,846 (excluding £524,010 RUCA reserves) being added to the Joint Committee's reserves.
7. That the recommendation to review the Code of Corporate Governance at the October 2016 meeting to take account the CIPFA (Chartered Institute of Public Finance and Accountancy) publication: "Delivering Good Governance in Local Government Framework – 2016) be noted.

10 REVIEW OF BASIS FOR DEFRAYING EXPENSES FOR 2016/17

Consideration was given to the report of the Director, in consultation with the PATROL and BLASJC Resources Working Group, on the basis for

defraying expenses in 2016/17. The PATROL agreement provided for the adjudication service to be operated on a self-financing basis with expenses defrayed by member authorities; the basis for defraying expenses since the inception of PATROL in 1991 was given.

The Joint Committee had introduced a Reserves Policy Statement and a paper was tabled at the meeting showing a reserve of £2,956,801 at 31 March 2016; it was noted the Dart Charge surplus was accounted for separately.

RESOLVED

It was approved that:

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

11 PATROL ADJUDICATION JOINT COMMITTEE FINANCIAL REGULATIONS 2016/17

Consideration was given to a report on the Financial Regulations for 2016/17 which had been reviewed in the light of the Scheme of Local Financial Delegation approved by the Joint Committees Executive Sub-Committee in October 2015. In accordance with this the Director was required to report any procurement falling outside the financial regulations and these were detailed in the report as follows:

Active Documents, BDO, Cheshire East Council, Clara Net, Emerson Management Services, Forrest, Four Colman Getty, Gardner Systems PLC, Jadu, Log Me In, Morgan Hunt, NABARRO,

NB Colour Print, O2, PA Consulting, Pangea Systems, Pitney Bowes, QA Ltd, Resolver, Sarah Perry Recruitment, Senior Recruitment, Softworks, Sopra, Thomson Reuters, University of Birmingham and Xerox Finance.

RESOLVED

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

12 REVIEW OF GOVERNANCE DOCUMENTATION

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

RESOLVED

That:

1. The variation in the PATROL Adjudication Joint Committee Agreement dated 3 December 2014, and the variation to the Standing Orders, shown at Appendix 1 of the report, be approved.
2. The Service Level Agreement between the Joint Committee and the Host /Lead Authority, shown at Appendix 2 of eh report, be noted.
3. The Schemes of Delegation to the Chief Adjudicator and Director, shown at Appendix 3 and 4 of the report, be noted.
4. The updated Memorandum of Understanding between the Adjudicators and the Joint Committee, shown at Appendix 5 of the report, be approved.
5. Persons be appointed to fulfil the function of the Proper Officer under the relevant regulations.
6. That the following dates be noted.

18 October 2016

31 January 2017

11 July 2017

13 RISK MANAGEMENT AND BUSINESS CONTINUITY

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

RESOLVED

That

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

14 WALES UPDATE

A report on the current position regarding traffic management enforcement in Wales was considered. It was reported that following the Welsh Government elections in May their Local Government reform plans were being rewritten and the proposal to cut the existing twenty-two councils to eight or nine was no longer going ahead. With reference to moving traffic enforcement the current arrangements and the use of fixed and mobile cameras for various types of enforcement by Cardiff City Council, and the City and County of Swansea, were reported.

A very successful PATROL toolkit workshop had been held in mid-Wales in April and this had enabled Parking Managers to view the on line appeals system, share knowledge and experience, and also to review the Annual Report process. Interest was expressed in this becoming an annual event.

RESOLVED

That the report be noted.

15 CHIEF ADJUDICATOR'S UPDATE

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

It was reported that as appeal numbers increased it was necessary to maintain adjudicator capacity. It was anticipated that by the end of August

the majority of the large councils would be on line with smaller councils by the end of the year.

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

RESOLVED

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

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

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

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

16 **PRESENTATION**

“To Appeal or not to appeal? Motorists awareness and experience of the Traffic Penalty Tribunal”.

Professor John Raine of Birmingham University gave a presentation on the initial findings of this review commissioned by PATROL, a full report on which would be available in due course. The review had included an online survey of those who appealed and also of those who had not, with drivers being requested to go on-line to complete the survey by the issuing authority, and telephone interviews.

Professor Raine put forward a number of recommendations including the introduction of a standard notice of rejection of representations making clear the right to appeal to the independent adjudicator. A report in response to these recommendations would be submitted to a future meeting.

RESOLVED

That the recommendations be noted and Professor Raine be thanked for a very interesting presentation,

17 GENERAL PROGRESS AND SERVICE STANDARDS

The Joint Committee considered an update on the management of appeals and the continuing roll out of the online appeal management system to local authorities for which there was an approved a technology reserve for 2016/17 for its continued development. Recognising the importance of liaison with the respondent authorities the new role of Authority Engagement Manager had been created and was now supporting the rollout of the system to local authorities.

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

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

RESOLVED

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

18 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEE

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

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

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

RESOLVED

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

19 APPOINTMENTS TO THE ADVISORY BOARD

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

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

RESOLVED

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

20 PATROL ANNUAL REPORT AWARD

The Committee received a report updating it on the PATROL Annual Award, recent annual toolkit workshops, and arrangements for submissions for the 2015/16 award. David Rutley MP had hosted a reception in the House of Commons on 27 October 2015 for the launch of the toolkit, and again on 11 July to recognise the shortlisted councils for 2014/15. Justice Minister, Mike Penning MP, presented the prizes. A follow-up toolkit had also been launched that day to incorporate many ideas shared during the workshops.

The shortlisted councils were Bath and North East Somerset Council, Borough of Broxbourne, Brighton & Hove City Council, Devon Council, Nottingham City Council, Sunderland City Council, Trafford Council and Worcester City Council.

The winners were announced as being

Best overall report: Brighton & Hove City Council

Best concise report: Borough of Broxbourne

Best practice reporting:

Trafford Council: Innovation and new services

Nottingham City Council: Customer service

Sunderland City Council: Finance and statistics

RESOLVED

1. That the shortlisted and winning councils, listed above, be noted.
2. That the feedback from the regional toolkit workshops, and arrangements for the 2015/16 submissions, be noted.

21 ROAD USER CHARGING SCHEME - MERSEY GATEWAY

The forthcoming enforcement and adjudication arising from the introduction of road user charging at the Mersey Gateway was reported. The Mersey Gateway Bridge was due to open to the public in the Autumn of 2017 at which time the nearby Silver Jubilee Bridge would close temporarily to be configured into two traffic lanes; both would then be subject to tolls/charges.

Halton Borough Council is the enforcement authority for the bridges and had employed the same company to operate the free flow road tolling/charging as that operated at the Dartford River crossing. The Tribunal would be sharing the adjudicator's experiences and findings from the Dartford River Crossing with the Mersey Gateways Crossings Board and Halton Borough Council. Early discussions had been held with representatives of the Mersey Gateway Crossings Board.

RESOLVED

That the introduction of enforcement and appeals arising from the implementation of the road user charging scheme at the Mersey Gateway be noted, and updates be provided to the Executive Sub-Committee and Joint Committee meetings in the run up to implementation.

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

PRESENT

Councillor Stuart Hughes (Devon County Council) Vice Chair in the Chair

Councillors

Richard Bell	Sunderland City Council
Graham Burgess	Hampshire County Council
Anthony Clarke	BATHNES
Nigel Cooke	Stockton on Tees Borough Council
Peter Cooper	Carmarthenshire County Council (Assistant Chair Wales)
Simon Cronin	Worcester City Council
Matthew Dickins	Sevenoaks District Council
Terry Douris	Hertfordshire District Council (Assistant Chair)
Gary Jones	East Hertfordshire Council
Stuart Kinch	Lincolnshire County Council
Nigel Knapton	Hambleton District Council
Geraint Owens	City and County of Swansea
Clive Roberts	Worthing Borough Council
Gary Waller	Epping Forest District Council

Officers in attendance

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

42 APOLOGIES FOR ABSENCE

Apologies for absence were reported.

43 DECLARATIONS OF INTEREST

There were no declarations of interest.

44 MINUTES OF THE MEETING HELD ON 18 OCTOBER 2016

RESOLVED

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

45 CHAIR'S UPDATE

The Chairman reported that the Traffic Penalty Tribunal (TPT) and PATROL had recently won the 'Excellence in Technology' category at the North of England Transport awards for FOAM (Fast Online Appeal Management); a copy of their booklet was circulated and congratulations were expressed.

In addition, the Chief Adjudicator had given a presentation to the All Party Parliamentary Group on Alternative Dispute Resolution and FOAM. All authorities would be on FOAM by the end of March after which the next major phase of development would be to streamline the witness statement process. A further update on these points would be given later in the meeting. Two new parking councils were due to join up in April, these being North Somerset Council and Wokingham Borough Council, they would be supported in using the online appeal system.

With respect to automatic number plate recognition a number of authorities had attended a TPT/PATROL workshop which explored a number of issues around it, an update on which would be given later in the meeting.

The Spring Issue of the PATROL newsletter covering these matters and many more would be issued in March.

RESOLVED

That the update be noted.

46 WALES UPDATE

An update paper was circulated detailing the Welsh proposals for Joint Committees to plan Welsh transport in the light of the decision by the Welsh Government not to pursue mergers of the 22 authorities. Ten authorities in south east Wales had already committed a Joint Committee and elsewhere consideration was being given to the re-establishment of regional level transport planning as an integral part of regional economic development plans.

It was reported that the City and County of Swansea were consulting on the introduction of moving traffic enforcement and Carmarthenshire County Council had applied to the Welsh Government for bus lane and moving traffic enforcement powers. Unfortunately, Welsh Traffic

Authorities were currently unable to register unpaid debts against motorists for unpaid PCNs issued for moving traffic contraventions and were currently awaiting an adjustment to the relevant procedures, processes and rules.

PATROL and Carmarthenshire County Council were also considering how Automatic Number Plate Recognition (ANPR) could be used to improve the experience of road users in Wales. It was proposed that a paper be prepared on best practice to show how they would benefit and it was requested this be circulated to the remainder of the Joint Committee for information.

RESOLVED

That the update be noted and the paper on ANPR best practice be circulated to all members of Joint Committee.

47 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE

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

With reference to the PATROL Annual Report awards it was confirmed that George Osborne had been invited to act as sponsor and the reception would be held on 11 July 2017 at the House of Commons, after the Joint Committee meetings due to be held earlier that day.

RESOLVED

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

48 BUDGET MONITORING 2016/17

Consideration was given to this report on the income, expenditure and reserves monitoring information for the year to November 2016, and on the projected outturn at 31 March for 2016/17.

Expenditure had been less than forecast as a result of adjudicator expenditure supplies and services all being lower than expected. Adverse variances were reported in respect of temporary resource management for

the roll out of FOAM, and internal audit fees; parking income was favourable, whilst road user charging appeals income and bus lane adjudication costs were adverse. Overall a favourable surplus of £334,359 was recorded at 30 November with a forecast surplus of £269,899 for 31 March 2017.

RESOLVED

That the report be noted.

49 SERVICE LEVEL AGREEMENT BETWEEN THE JOINT COMMITTEES AND CHESHIRE EAST COUNCIL

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

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

RESOLVED

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

50 REVENUE BUDGETS FOR 2017/18

Members considered the revenue budget estimates for the forthcoming financial year. An assessment had been made of the likely service take up during 2017/18 and of the adjudicators, administrative support and accommodation needed.

Income trends from the last 12 months were used in forecasting income expected and additional income from a recharge to the Bus Lane Adjudication Service Joint Committee for integrated adjudication services, from the Dartford Crossing, and the Mersey Gateway due to commence in September 2017, were taken into account; key objectives, reserves and contingencies were also factored in.

With reference to the PATROL premises at Wilmslow it was noted that the current five-year lease with Cheshire East Council (CEC) was due to end

in August 2017 and that it had indicated that it would support PATROL in the renegotiation of rent and rates.

A correction was made in respect of the table at para 9 of the report to amend the % change for expenditure to read as a 5% **increase**. Members were asked to note that in Appendix 1 the budget figure for 2017/18 of £3,476,480 was 2.4% lower than the equivalent figure for 2016/17.

RESOLVED

That the Revenue Budget for 2017/18 be adopted.

51 RESERVES POLICY STATEMENT

Consideration was given to the general, property and IT reserves, these being the three elements comprising the Reserves Policy Statement for 2017/18. It was noted that with reference to the property reserve provision was being made to take into account the renegotiation of the lease with the host Authority in August 2017, and that the technology reserve was being reduced slightly to support the final elements of the roll out and enhancement of the new portal.

RESOLVED

1. That approval be given to the Reserves Policy Statement for 2017/18 and the total approved reserve level for 2017/18 of £1,879,545.
2. That the balances of any surplus from 2016/17 be carried forward to 2017/18.
3. That approval be given for the Chair and the Vice Chair to authorise the withdrawal of funds from reserves to meet budgetary deficits.

52 ANNUAL INVESTMENT STRATEGY

The report set out the Investment Strategy for 2016/17 and included details of the interest generated in the year to date. It was reported that discussions with the Host Authority would explore whether the Joint Committee could benefit from its economies of scale whilst still retaining the integrity of its own resources.

RESOLVED

That the annual Investment Strategy for 2017/18 be approved.

53 DEFRAYING THE EXPENSES OF THE JOINT COMMITTEE 2017/18

The Executive Sub-Committee was asked to consider the basis for defraying expenses in 2016/17. The PATROL Agreement provided for the

adjudication service to be operated on a self-financing basis with expenses defrayed by member authorities.

A table showed the history of the defrayed expenses since 1991 and set out the three options that had been considered by the Resources Working Group and Sub-Committee of which Option 3, to retain the current rate of 40 pence per parking penalty notice (PCN) with no annual charge or cost per case, was the preferred option, with a review at the half year point in July.

It was reported that charges for adjudication for notices issued under Road User Charging regulations at the Dartford Crossing were subject to separate arrangements agreed with Dart Charge and these were currently set at 45 pence per PCN.

RESOLVED

1. Having reviewed the options set out in the report approval be given to the recommendation of the Resources Working Group and Sub-Committee and that Option 3 be adopted.
2. That there be no annual charge, nor cost per case.
3. That invoicing be undertaken on a quarterly basis on estimated figures and subsequently adjusted.
4. It be noted that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental costs of making a transcription from the audio recordings of the proceedings at a hearing be charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.

54 CODE OF CORPORATE GOVERNANCE

Consideration was given to a revised Code of Corporate Governance, updated to be consistent with the principles of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government 2016'. This brought together an underlying set of legislative requirements, governance principles and management processes. It was proposed the Code be reviewed annually at the Joint Committee in July.

RESOLVED

That the revised Code of Corporate Governance be approved.

55 RISK REGISTER

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

RESOLVED

That the risk register be noted

56 DCLG CONSULTATION ON JOINT COMMITTEES AND VIDEO CONFERENCING

Members had been circulated with a consultation paper from the Department of Communities and Local Government entitled 'Connecting Town Halls' on allowing joint committees and combined authorities to hold meetings by video conference. Members were advised that PATROL has responded that it would be useful emergency facility in the event of a meeting being inquorate.

RESOLVED

That the report be noted.

57 DART CHARGE REPORT

The Executive Sub-Committee was asked to delegate to the Resources Sub-Committee the receipt of this report and its onward transmission to the Secretary of State.

RESOLVED

That approval be given for the Resources Sub-Committee to receive this report prior to it being forwarded to the Secretary of State.

58 GENERAL PROGRESS REPORT

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

With regard to hearing types there was a continuing increase in the use of the online hearings rather than telephone or face to face. An update was given on FOAM and its roll out, which was nearing completion, and on the ongoing training and support being provided. Examples of the positive

feedback received on the assistance being given by way of training, mentoring and Freephone guidance were included in the report.

RESOLVED

That the report be received.

59 CHIEF ADJUDICATOR'S UPDATE

It was agreed that this had been covered during discussion of various items earlier on the agenda.

60 PRESENTATION ON THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS (TSRGD) 2016 BY SIMON MORGAN OF BUCHANAN COMPUTING

Simon Morgan of Buchanan Computing, and Chair of the Institute of Highway Engineers' Traffic Signs Panel, gave a presentation on the Traffic Signs Regulations and General Directions (TSRGD) 2016 which came into effect on 22 April with amendment regulations due to become effective in February 2017.

Members were informed the new TSRGD would provide more flexibility, reduce the number of signs, facilitate future changes and updates and help meet the 'red tape' challenge by combining several statutory instruments into one. Also Authorities would be able to make more of their own decisions. It was stressed it was to prescribe traffic signs and was not a design guide.

Existing signs and markings would be able to remain in place with the exception of a small number relating to pelican crossings, certain height and width/pedestrian zones/bus signs and bay markings.

The benefits of the changes included there being fewer signs, resulting in reduced costs and energy requirements. Schemes would be able to be implemented more quickly and with less work. Some concerns remained that motorists may not understand what is required of them and that authorities might be tempted to go for a minimum cost option that might not be adequate, and there was the possibility of regional variations.

RESOLVED

That Simon Morgan be thanked for his presentation and that a copy of it be circulated to members direct.

61 DATE OF NEXT MEETING

RESOLVED

That the next meeting of the PATROL Joint Committee be held on 11 July 2017 at Church House, Westminster, London.

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PATROL AND BUS LANE ADJUDICATION JOINT COMMITTEES

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

1.0 Report Summary

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

2.0 Recommendations

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

3.0 Reasons for Recommendations

- 3.1 To update the Joint Committee Executive

4.0 Financial Implications

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

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

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

7.0 Background and Options

- 7.1 The Resources Working Group and Sub Committee is underpinned by a Terms of Reference (Appendix 1)
- 7.2 At its meetings in 2017 in addition to the consideration of financial papers prior to issue to the Joint Committee, the following areas have been reported on:
- a) The continuing development of FOAM (Fast Online Appeal Management). This will be the subject of a separate update to the Joint Committee.
 - b) Raising the profile of PATROL and the Traffic Penalty Tribunal. The tribunal has hosted a large number of judicial visits during 2016/17 to look at the potential for digital working in their jurisdiction. FOAM has attracted a number of awards including the “Excellence in Technology” award at the Northern Transport Awards 2016 and the “Intelligent Parking” Award at the British Parking Awards together with being shortlisted for the “Exceptional Customer Service” Award. The House of Commons reception on 11th July 2017 is reported separately.
 - c) The review of the PATROL website – This will be presented to the Joint Committee
 - d) Changes arising from the general election and directly elected mayors. Contact will be made in respect of the latter to understand their potential role in enforcement.
 - e) Developing the evidence base of seeking the remaining powers of Part 6 of the Traffic Management Act 2004. Bus lane authorities have responded to a survey expressing interest in these powers, this engagement will be widened to parking authorities who may be interested in moving traffic powers without undertaking bus lane enforcement.
 - f) Exploring the use of ANPR (automatic number plate recognition) in council owned car parks. A symposium of Parking Managers was convened earlier in the year which established the benefits of ANPR for customer connectivity. ANPR can be used in council car parks, except for enforcement purposes.
 - g) Clean Air Zones and Littering from Vehicles. These matters are reported separately to the Joint Committee.
 - h) A National Surveillance Camera Strategy for England and Wales, details of which were circulated to all Parking and Bus Lane Managers.
- 7.3 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and any previously approved and report back to the Executive Sub Committee and the annual meeting in July 2018.

8.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

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PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Resources Working Group and Sub Committee

DRAFT Terms of Reference 2017/18

Membership:

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

Meetings:

As and when required.

Delegation

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

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

Review

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

Approved June 2015

Approved July 2016

Submitted for review July 2017

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PATROL ADJUDICATION JOINT COMMITTEE

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

1.0 Report Summary

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

2.0 Recommendations

That the Joint Committee:

- a) Notes the outturn position against the 2016/17 budget included within the report. (Appendix 1)
- b) Approves the surplus of income over expenditure of £409,250 (excluding £16,121 Road User Charging (RUC) reserves) being added to the Joint Committee's reserves
- c) Determines that the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2017.
- d) Approves the 2016/17 draft Annual Return (Appendix 2) and notes the balance sheet and cash flow and audit timetable
- e) Notes the Annual Internal Audit Report 2016/17 (Appendix 3)
- f) Approves the Code of Corporate Governance (Appendix 4)

3.0 Reasons for Recommendations

3.1 To finalise accounts for 2016/17.

4.0 Financial Implications

4.1 As outlined in the report

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 None

7.0 Background and Options

7.1 This report provides background information in respect of:

- a) The outturn position against the 2016/17 budget included within the report. (Appendix 1)
- b) The surplus of income over expenditure of £409,250 (excluding £16,121 Road User Charging (RUC) reserves) being added to the Joint Committee's reserves
- c) The basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2017.
- d) The 2016/17 draft Annual Return (Appendix 2), balance sheet and cash flow and audit timetable.
- e) The Internal Audit Report 2016/17 (Appendix 3)
- f) The Code of Corporate Governance (Appendix 4)

8.0 Outturn Position against the 2016/17 budget

Introduction

- 8.1 The adjudication service is operated on a self-financing basis with income obtained by defraying expenses amongst member authorities and providing adjudication services to non-member authorities as determined by statute.
- 8.2 At the meeting of Executive Sub-Committee held on 27th January 2016 it was agreed to adopt the revenue budget estimates for 2016/17 set out in this report.
- 8.3 At the meeting of the Executive Sub-Committee held on 27th January 2016 the Lead Officer was given authorisation in consultation with the Chair, Vice Chair and Assistant Chair to incur expenditure against the revenue budget in excess of the £3,560,880 set by the Committee should the need arise, provided such expenditure is within the total income for the year.
- 8.4 The outturn position to 31st March 2017 is enclosed at Appendix 1.

- 8.5 Additional income is derived from a recharge to the Bus Lane Adjudication Service Joint Committee and the provision of adjudication for appeals arising from road user charging enforcement at the Dartford-Thurrock River Crossing.
- 8.6 The Joint Committee's income is derived from a pre-estimate of the number of penalty charge notices (PCNs) each council will issue. Corrections are applied at the 6 month and 12 month points once the actual number of PCNs issued is known.
- 8.7 Should it be the case that there is a need for greater expenditure than that provided for in the approved budget, there is a recommendation to authorise the Director to incur additional expenditure, provided such expenditure does not exceed the income for the current year.
- 8.8 Should it be the case that the revenue account falls into deficit then the surplus from previous years is available.
- 8.9 Should there be greater income than expenditure in the year then there is a recommendation that this be transferred into the succeeding year as reserves.

Expenditure

- 8.10 Expenditure was lower than budgeted by £448,675 / 13% (see Appendix 1). This was in the main due to a high forecast for adjudicator expenditure based on appeal volumes at the time of budgeting resulting in an outturn variance of £347,664. In addition, efficiencies have been achieved through the FOAM (Fast Online Appeal System).
- 8.11 Staffing costs were adverse to budget by £106,378 / 11%. This was due to the need to take on temporary staff to support the transition to FOAM, the online appeals management system.
- 8.12 IT costs were also adverse to budget by £54,668 / 20%, resulting from additional hosting (£15,000), penetration testing (£10,000) and system monitoring (£4,000) and the introduction of a number of system monitoring tools not identified at the time of budgeting.
- 8.13 The budget line Service Management and Support relates to the business services provided by Cheshire East Council, the host authority. These costs were higher than planned due to the budget for internal audit being held in the audit budget line.
- 8.14 Audit costs were higher than budget because the bus lane external audit was not budgeted for, which is partially offset by the cost of the Cheshire East internal audit recharge being accounted for in Service Management and Support.

Income

8.15 Overall, income was £132,768 / 4% adverse to budget (see Table 1). Income from Dartford River Crossing was adverse to budget by £236,182 / 17.5%, due to lower than forecast PCNs issued, reducing month on month as the scheme matures. The recharge for bus lane adjudication service costs also shows an adverse variance of £5,326 / 1%. Parking income was favourable to budget by £52,946 / 3%. Other income relates to Welsh Moving Traffic, which was not budgeted for and provided income of £54,649.

Outturn

8.16 The outturn for 2016/17 was a surplus of £425,371. Of this total surplus, £16,121 is ring-fenced to Highways England in respect of road user charging at the Dartford-Thurrock River Crossing.

8.17 The Joint Committee is asked to approve the surplus of income over expenditure of £409,250 (excluding £16,121 Road User Charging (RUC) reserves) being added to the Joint Committee's reserves

Reserves

8.18 As at 31st March 2017 total reserves were £3,182,461, as set out below.

Financial year 2015/16		PATROL	RUCA
Reserves brought forward	£2,430,906	£2,414,466	£16,440
Achieved surplus	£1,138,846	£614,835	£524,010
Draw down from technology reserve	(£72,500)	(£72,500)	-
Total Reserve at 31.03.16	£3,497,252	£2,956,801	£540,450
Financial Year 2016/17			
Reserves brought forward	£3,497,252	£2,956,801	£540,450
Approved General Reserve	£1,101,042	£1,101,042	-
Approved Property Reserve	£107,119	£107,119	-
Technology Reserve	£400,000	£400,000	-
Total Approved Reserve	£1,608,161	£1,608,161	-
Total Free Reserve	£1,889,091	£1,348,640	£540,450
Draw down of technology reserve	(£249,713)	(£249,713)	-
Draw down of RUCA reserve	(£490,450)	-	(£490,450)
Achieved surplus	£425,371	£409,250	£16,121
Total Reserves at 31.03.17	£3,182,461	£3,116,339	£66,122

Of which are free reserves	£1,824,012	£1,757,890	£66,122
Movement in Reserves 31.03.17	(£314,791)	£159,537	(£474,328)

8.19 The utilisation of these reserves in 2017/18 is subject to a reserve policy statement approved in January 2017 which included three elements:

i) **The General Reserve**

The General Reserve aims to mitigate the risk arising from:

- a) Reduction in income as a result of individual enforcement authority issues.
- b) Reduction in income as a result of issues affecting civil enforcement across all or a majority of enforcement authorities
- c) Unanticipated costs associated with legal action
- d) Unanticipated expenditure due to unforeseen circumstances
- e) Overrun on expenditure
- f) Meeting contractual obligations in the event of closure.

The approved General Reserve for 2017/18 is £1,308,205.

ii) **The Property Reserve**

This provides an indemnity to the Host Authority in relation to any outstanding rent associated with the current lease that they have entered into on behalf of the Joint Committee. In February 2018 the lease is due for renewal. The lease is in the name of the Host Authority and their Officers are acting on the Joint Committee's behalf to renew the lease. Provision is therefore made for two years' additional lease beyond that budgeted for in 17/18. It is assumed that the renewal contract will include a break clause after the first three years.

The approved Property Reserve for 2017/18 is £221,340.

iii) **Technology Reserve**

The Joint Committee made provision for a technology reserve of £400,000 for 2016/17 of which £190,169 has been utilised to date.

For 2017/18 the approved technology reserve is £350,000 to support the final elements of the roll out and enhancements of the new portal.

8.20 A total approved reserve of £1,879,545 for 2017/18 leaves at 1st April 2017 a free reserve of £1,302,916, of which £66,122 is ring-fenced for Dartford Road User Charging.

Financial year 2016/17		PATROL	RUCA
Reserves Brought Forward 01.04.17	£3,182,461	£3,116,339	£66,122
<i>Of which are</i>			
Approved Reserve 17/18	£1,879,545	£1,879,545	-

Free Reserves 17/18	£1,302,916	£1,236,794	£66,122

- 8.21 In January 2017, the Joint Committee in considering establishing the basis for defraying expenses in 2017/18, agreed to maintain a charge of 40 pence per PCN for PATROL and 45 pence per PCN was agreed with Highways England following a review of their ring-fenced reserves.
- 8.22 The Joint Committee agreed to review the basis for charging in July. The recommendation of the Resources Working Group and Sub Committee is to request that the Executive Sub Committee are asked to review this at their meeting in October in the light of budget monitoring for the first half of 2017/18.

9. The Draft Annual Return 2016/17

- 9.1 The draft annual return for 2016/17 is included at Appendix 2. The statutory requirement for the Joint Committee’s accounts to be separately prepared and audited was removed by the Local Audit and Accountability Act 2014 however the Joint Committee committed to do this to demonstrate transparency. The accounting statement for 2016/17 has been prepared in accordance with the requirements of the Audit Commission’s Small Bodies Annual Return.
- 9.2 The completion of the return removes the requirement for a full set of accounts however a Balance Sheet and Cash Flow Statement is provided for information at Appendix 4 and 5. At 31st March 2017 the cash flow position is £3,276,844. The cash position has declined since the start of the year by £391,275. Despite the overall surplus of £425,371, reserves have been used to fund the FOAM project to implement the online appeals management system. In addition, the Dartford-Thurrock River Crossing surplus from 2015/16 was partially drawn down to fund their charges for 2016/17.
- 9.3 The external audit timetable is as follows:

Stage	2016/17
Display Notice	1 st to 10 th July 2017
Draft annual return submitted to PATROLAJC for approval	11 th July 2017
Make records available	12 th July to 25 th July 2017
Submission of Annual Return and Supporting Documents to BDO	31 st July 2017

10. Internal Audit Report 2016/17

- 10.1 Internal audit is provided by the Host Authority. The internal audit report for 2016/17 is included at Appendix 3. There are 8 recommendations and management responses. The number and priority level of internal audit recommendations has reduced over the three year period set out below.

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

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

11.0 Code of Corporate Governance

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

12.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

PATROL Outturn to 31.03.17				
	Year to Date			
	31.03.17	31.03.17	31.03.17	31.03.17
	Actual	Budget	Var to Budget	Var to Budget
Income				
Parking Income	1,935,869	1,882,923	52,946	2.8%
Other Income	54,649		54,649	0.0%
Bank Interest	13,144	12,000	1,144	9.5%
RUCA Income	1,113,818	1,350,000	(236,182)	-17.5%
Recharge for Bus Lane Adjudication Costs	420,095	425,421	(5,326)	-1.3%
Total Income	3,537,576	3,670,344	(132,768)	-3.6%
Expenditure:				
Adjudicators	1,081,755	1,429,419	347,664	24.3%
Staff	1,065,858	959,480	(106,378)	-11.1%
Premises / Accommodation	165,691	176,450	10,759	6.1%
Transport	25,499	52,180	26,681	51.1%
Supplies and Services	393,309	521,665	128,356	24.6%
IT	326,254	271,586	(54,668)	-20.1%
Services Management and Support	48,440	45,000	(3,440)	-7.6%
Audit Fees	5,400	5,100	(300)	-5.9%
Contingency	0	100,000	100,000	100.0%
Total Expenditure	3,112,205	3,560,880	448,675	12.6%
Surplus / (Deficit)	425,371	109,464	315,907	288.6%
Breakdown of Surplus	425,371			
PARKING	409,250			
RUCA	16,121			

Joint Committees

Return for the financial year ended 31 March 2017

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

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

Completing your return

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

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

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

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

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

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

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

Section 1 – Governance statement 2016/17

We acknowledge as the members of

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON
ADJUDICATION JOINT COMMITTEE

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

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

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

MINUTE REFERENCE

Date

DATE

Signed by:

Chair

CHAIR

Signed by:

Clerk

CLERK

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

Section 2 – Accounting Statements 2016/17 for


Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON
ADJUDICATION JOINT COMMITTEE

	Year ending		Notes and guidance Please round all figures to nearest £1. Do not leave any boxes blank and reports £0 or Nil balances. All figures must agree to underlying financial records.
	31 March 2016 £	31 March 2017 £	
1 Balances brought forward	2,430,906	3,447,252	Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year.
2 (+) Income from local taxation and/or levy	-	-	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body. Excluding any grants received.
3 (+) Total other receipts	3,951,284	3,537,576	Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	1,818,374	2,081,136	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5 (-) Loan Interest/capital repayments	-	-	Total expenditure or payments of capital and Interest made during the year on the body's borrowings (if any).
6 (-) All other payments	1,066,564	1,771,231	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	3,447,252	3,182,460	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	3,674,980	3,285,149	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation.
9 Total fixed assets plus other long term investments and assets	-	-	The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings	-	-	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB)

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

Signed by Responsible Financial Officer:



Date

26/6/2017

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



and recorded as minute reference:



Signed by Chair of meeting approving these accounting statements:



Section 3 – External Report 2016/17 Certificate

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

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE
LONDON ADJUDICATION JOINT COMMITTEE

Respective responsibilities of the Joint Committee and the reviewer

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

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

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

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

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

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

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

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

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

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

Reviewer signature

Section 4 – Annual internal audit report 2016/17 to

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE

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

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

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

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

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

*SEE INTERNAL AUDIT REPORT.

THESE ARE AGREED - ADDITIONAL NOTES PER APPENDIX B OF REPORT.

Name of person who carried out the internal audit:

JOSIE GRIFFITHS

Signature of person who carried out the internal audit:



Date:

26/06/17

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

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

Guidance notes on completing the 2016/2017 return

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

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

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PATROL - Parking

BALANCE SHEET

As of March 31, 2017

	TOTAL
FIXED ASSET	
Non-Current Assets	
Accounts Receivable Suspense	0.00
Total Non-Current Assets	£0.00
Total Fixed Asset	£0.00
CASH AT BANK AND IN HAND	
02545 PATROL - SANTANDER Deposit Account 4 ()	1,216,673.30
02550 PATROL - HSBC Deposit Account 1 (3450)	1,610,923.89
02555 PATROL - HSBC Deposit Account 2 (3477)	427,551.90
02570 PATROL - LLOYD'S Deposit Account 3 ()	0.00
02575 Erica Maslen - HSBC Credit Card	-1,059.95
02580 Jane Condren - HSBC Card	-1,224.60
02585 Jackie Gloag - HSBC Credit Card	0.00
02590 Curtis May - HSBC Card	0.00
02595 Iain Worrall - HSBC Card	-1,983.19
02596 Anna Scarisbrick - HSBC Card	-410.50
02597 Jane Robinson - HSBC Card	-1,139.50
02598 Rob Frod - HSBC Card	-2,487.71
02600 HSBC BANK - 3100 - PARKING	30,000.00
Total Cash at bank and in hand	£3,276,843.64
DEBTORS	
02110 Accounts Receivable	116,331.25
Total Debtors	£116,331.25
CURRENT ASSETS	
02130 Parking Year End Debtors Adjust	0.00
02500 Bad Debt Provsion	0.00
03120 Other current assets	0.00
03200 Salary Advances	0.00
03300 Pre-Payments	119,476.79
Bus Lane Year End Debtors Adj	0.00
Cash held in MCC Bank Account	0.00
PCN Accrual	0.00
Total Current Assets	£119,476.79
NET CURRENT ASSETS	£3,512,651.68
CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR	
Trade Creditors	
05100 Accounts Payable	211,622.05
Total Trade Creditors	£211,622.05
Current Liabilities	
02150 Debtors Receipts In Advance	0.00
03100 - VAT Control	0.00
04200 Net Pay Control	0.00
04300 HMRC Control	0.00
04500 Accruals	118,569.66
9387 _EXISTING_VAT Suspense	0.00
Bus Lane Income Suspense	0.00

	TOTAL
GRIR - MCC	0.00
Other	0.00
Purchase Card Payments	0.00
Total Current Liabilities	£118,569.66
Total Creditors: amounts falling due within one year	£330,191.71
NET CURRENT ASSETS (LIABILITIES)	£3,182,459.97
TOTAL ASSETS LESS CURRENT LIABILITIES	£3,182,459.97
CREDITORS: AMOUNTS FALLING DUE AFTER MORE THAN ONE YEAR	
06100 FRS17 Pension Scheme Liability	0.00
Accounts Payable Suspense	0.00
Total Creditors: amounts falling due after more than one year	£0.00
TOTAL NET ASSETS (LIABILITIES)	£3,182,459.97
CAPITAL AND RESERVES	
09100 Reserves - Parking	718,892.28
75000 Portal Costs Approved by JC	-520,692.65
Reserves - Bus Lane	0.00
Reserves - FRS17 Pensions	0.00
Retained Earnings	2,558,888.98
Profit for the year	425,371.36
Total Capital and Reserves	£3,182,459.97

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PATROL - Parking

STATEMENT OF CASH FLOWS

April 2016 - March 2017

	TOTAL
OPERATING ACTIVITIES	
Net Income	425,371.36
Adjustments to reconcile Net Income to Net Cash provided by operations:	
02110 Accounts Receivable	118,308.90
02130 Parking Year End Debtors Adjust	-49,243.05
03120 Other current assets	0.00
03200 Salary Advances	0.00
03300 Pre-Payments	15,981.18
05100 Accounts Payable	-95,437.01
03100 - VAT Control	413.53
04200 Net Pay Control	0.00
04300 HMRC Control	0.00
04500 Accruals	-66,507.61
Bus Lane Income Suspense	0.00
Other	0.00
Total Adjustments to reconcile Net Income to Net Cash provided by operations:	-76,484.06
Net cash provided by operating activities	£348,887.30
INVESTING ACTIVITIES	
Accounts Receivable Suspense	0.00
Net cash provided by investing activities	£0.00
FINANCING ACTIVITIES	
Accounts Payable Suspense	0.00
75000 Portal Costs Approved by JC	-249,712.65
Retained Earnings	-490,450.00
Net cash provided by financing activities	£ -740,162.65
NET CASH INCREASE FOR PERIOD	£ -391,275.35
CASH AT BEGINNING OF PERIOD	3,668,118.99
CASH AT END OF PERIOD	£3,276,843.64

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Appendix 3



Internal Audit

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

Report Status: Final

Report Date: 22nd June 2017

Prepared by: Lucy Nelson

Distribution List:

Louise Hutchinson – PATROL, Director

Anna Scarisbrick – PATROL, Central Services Manager

1 Introduction and background

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

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

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

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

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

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

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

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

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

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

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

2 Objectives, scope & methodology

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

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

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

- Assets

- Banking and Cheques
- Budgetary Control
- Income
- Payroll
- Procurement
- Purchase Cards
- Risk Management

2.6 In addition to the above, progress against the agreed actions from the 2015/16 SBAR audit has been reviewed as part of the 2016/17 work programme.

3 Key Findings

3.1 A total of 77 controls have been tested covering all areas detailed in the control objectives on the SBAR. This draft report is intended to highlight the areas where improvements are required, either in the control itself or to improve compliance with the controls.

3.2 As a result of the testing, 8 recommended actions have been raised in this report and can be found at **Appendix A**. A significant number of the actions raised relate to non-compliance with the controls the Body has established in its processes and procedures.

3.3 The main areas for improvement are:

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

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

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

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

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4 Audit Conclusion and Opinion

- o The Body should ensure all expense claims are submitted by staff and adjudicators promptly, on a regular basis and are supported by valid receipts
 - o Checks carried out by Finance Staff on expense claims should be evidenced
 - **Control Objective H**
 - o The Body carried out independent sample checks on a number of IT assets, however, it is good practice to carry out and evidence a full annual independent check of all IT assets
 - **Control Objective I**
 - o Unused bank accounts should be closed
 - o Bank account reconciliations should be carried out in line with approved Financial Regulations
 - o Bank account authorisations and accesses should be cancelled immediately upon an officer leaving the employment of the Body
- 4.1 The audit has concluded that the majority of 10 control objectives detailed on the 2016/17 SBAR are effectively managed for both the PATROL and Bus Lane Adjudication Joint Committees. **Appendix B** confirms the results of the audit work as it will be entered on the SBAR.
- 4.2 Testing has identified some inconsistencies in the application of the controls in place and areas for improvement. Implementation of the recommended actions detailed in **Appendix A** will improve the control environment and help ensure the identified risks are mitigated.
- 4.3 It is acknowledged that the Body did not have a Finance Officer in post between March and June 2016 which has contributed to a number of the findings listed in Appendix A.
- 4.4 Internal Audit utilises a formal opinion system (see **Appendix C**). Taking into account that a number of the issues identified in this report have also been raised in previous years, the systems and procedures in place to manage the operation of PATROL, the Body has been given a “**Limited Assurance**” opinion:

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

- 3.4 Progress against the agreed actions raised in the 2015/16 audit found that 4 actions (either identical or very similar) to those raised in previous years have been reported on again this year. At this point these issues are not sufficient to warrant inclusion on the Annual Return; however the Body must ensure that these issues are addressed to ensure the risks associated are more effectively managed.
- 3.5 In addition to the key findings summarised above and detailed in **Appendix A**, 3 findings and associated recommended actions deemed to be “low” priority have been informally reported to the Body.

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Appendix A – Audit Findings & Recommended Actions

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

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

Appendix A – Audit Findings & Recommended Actions

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

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

Appendix A – Audit Findings & Recommended Actions

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

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Appendix A – Audit Findings & Recommended Actions

<p>Responsibility: Finance and Central Services Manager Target Date: July 2017</p> <p>Adjudicator fee guidelines and associated finance procedures will be updated.</p>	
--	--

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

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

Appendix A – Audit Findings & Recommended Actions

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

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

Appendix A – Audit Findings & Recommended Actions

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

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

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

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

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

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

OFFICIAL

Appendix C – Audit Opinion and Priority Rating for Individual Actions

Audit Opinion

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

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

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

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

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

Appendix C – Audit Opinion and Priority Rating for Individual Actions

Priority Rating for Individual Findings

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

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

PATROL ADJUDICATION AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

CODE OF CORPORATE GOVERNANCE

1. Background

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

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

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

2. Primary objectives

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

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

3. Functions of the PATROLAJC

The functions of the PATROLAJC are:

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

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

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

4. Corporate Governance

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

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

5. Principles of good governance

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

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

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

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

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

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

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

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

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

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

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

1.0 Report Summary

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

2.0 Recommendations

- 2.1.1 That the Joint Committee:

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

3.0 Reasons for Recommendations

- 3.1 Management of risk and business continuity

4.0 Financial Implications

- 4.1 Budget or reserve provision in place

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

- 6.1 Report forms part of risk management.

7.0 Background and Options

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

The Joint Committee summarises its risk appetite as follows:

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

7.2 The Joint Committee is committed to:

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

In order to:

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

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

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

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

8.0 Access to Information

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

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Designation: Director

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Appendix 1: RISK REGISTER JULY 2017

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

Appendix 1: RISK REGISTER JULY 2017

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

Appendix 1: RISK REGISTER JULY 2017

							authorities.				
--	--	--	--	--	--	--	--------------	--	--	--	--

CA = Chief Adjudicator D - Director

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

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

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

Appendix 1: RISK REGISTER JULY 2017

Risk Impact Details

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

Likelihood

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

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

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

Appendix 1: RISK REGISTER JULY 2017

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

MEASUREMENT OF RISK AND REPORTING

Risk Matrix

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

Legend:

Score of 25 equates to **Extreme Risk**: Immediate escalation to Director for urgent consideration by Joint Committee.

Scores of 20-15 **High Risk**: Risk to be escalated to the Joint Committee/Executive Sub Committee with mitigating action plan. Risk to be actively managed by Director and Advisory Board.

Scores of 12-6 **Medium Risk**: Risk to be captured on Risk Register and progress with mitigation to be tracked by Director and Advisory Board/Joint Committee/Executive Sub Committee.

Scores of 5 and below **Low Risk**: Risk to be removed from register and managed within appropriate services.

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PATROL ADJUDICATION JOINT COMMITTEE

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

1.0 Report Summary

1.1 This report presents governance documentation and arrangements for review.

2.0 Recommendations

2.1 That the Joint Committee:

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

31st October 2017

30th January 2018

10th July 2018

3.0 Reasons for Recommendations

3.1 To fulfil the governance requirements of the Joint Committee.

4.0 Financial Implications

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

5.0 Legal Implications

- 5.1 Set out in the report.

6.0 Risk Management

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

7.0 Background and Options

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

8.0 Access to Information

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

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DATED 3rd December 2014

PARKING AND TRAFFIC REGULATIONS OUTSIDE
LONDON ADJUDICATION JOINT COMMITTEE

and

CHESHIRE EAST COUNCIL

and

BUS LANE ADJUDICATION SERVICE JOINT
COMMITTEE

SERVICE LEVEL AGREEMENT

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



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SERVICE LEVEL AGREEMENT

DATE

PARTIES

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

RECITALS

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

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

1. DEFINITIONS

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

"Adjudicators"

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

"Advisory Board"

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

"BLASJC Standing Orders"

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

"PATROLAJC Standing Orders"

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

"Delegations"

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

"Financial Regulations"

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

"Head of Service"

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

"Liaison Officer"

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

"Memorandum of Understanding"

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

"PATROLAJC's Representative"

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

"SLA"

means this service level agreement.

2. TERM

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

3. REPRESENTATIVES

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

4. SERVICES

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

5. DELEGATION OF FUNCTIONS

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

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

6. COSTS

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

7. SERVICE REVIEWS AND SERVICE VARIATIONS

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

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

8. DISPUTES

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

9. VARIATIONS

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

10. NOT USED

11. TERMINATION

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

Signed for and on behalf of the PATROLAJC

✓
(Signature)

.....
(Date)

Signed for and on behalf of the BLASJC

✓
(Signature)

.....
(Date)

Signed for and on behalf of Cheshire East Council:

.....
(Signature)

.....
(Date)

Schedule 1

Services

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

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

Schedule 2

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

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

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

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

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

APPENDIX 2

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Delegation to Chief Adjudicator

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

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Appendix 3
PATROL and BUS LANE ADJUDICATION SERVICE
JOINT COMMITTEE

Delegations to the Director

Introduction

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

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

“Lead Authority” means Cheshire East Council.

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

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

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

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

1. General

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

2. Financial

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

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

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

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

3. Land and Property

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

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

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

4. Miscellaneous

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

5. Human Resources

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

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

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

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

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

6. Support to the Joint Committee and Advisory Board

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

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

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

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

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

7. **Legal**

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

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APPENDIX 4

MEMORANDUM OF UNDERSTANDING

between

Adjudicators of the Traffic Penalty Tribunal

and

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

November 2012

Reviewed and approved at Joint Committee June 2014

Reviewed and approved at Joint Committee June 2015

Reviewed and approved at Joint Committee July 2016

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MEMORANDUM OF UNDERSTANDING

1. Introduction

This Memorandum of Understanding (MOU) is between:

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

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

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

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

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

2. Shared Aims

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

3. Overriding Principles

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

4. The Statutory Framework

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

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

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

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

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

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

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

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

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

4.5. The functions of PATROL and BLASJC are:

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

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

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

The Joint Committees' functions also include:

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

4.3 The Regulations also provide that:

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

5. Chief Adjudicator

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

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

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

It is also for the Chief Adjudicator:

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

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

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

6. Salaried Adjudicators

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

7. Judicial Leadership, Management and Discipline Functions

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

8. Removal of Adjudicators

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

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

9. Appeals and Judicial Matters

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

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

10. Lead Officer

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

11. Accommodation, administrative staff and facilities

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

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

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

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

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

12. Defraying the expenses of the Tribunal

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

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

13. Advisory Board

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

14. Lead/Host Authority

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

15. Review Mechanism

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

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

Appendix 1

CHIEF ADJUDICATOR ROLE

Introduction

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

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

Appendix 2

DEPUTY CHIEF ADJUDICATOR ROLE

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

Appendix 3

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



Fig 1. Provision of Services to Adjudicators

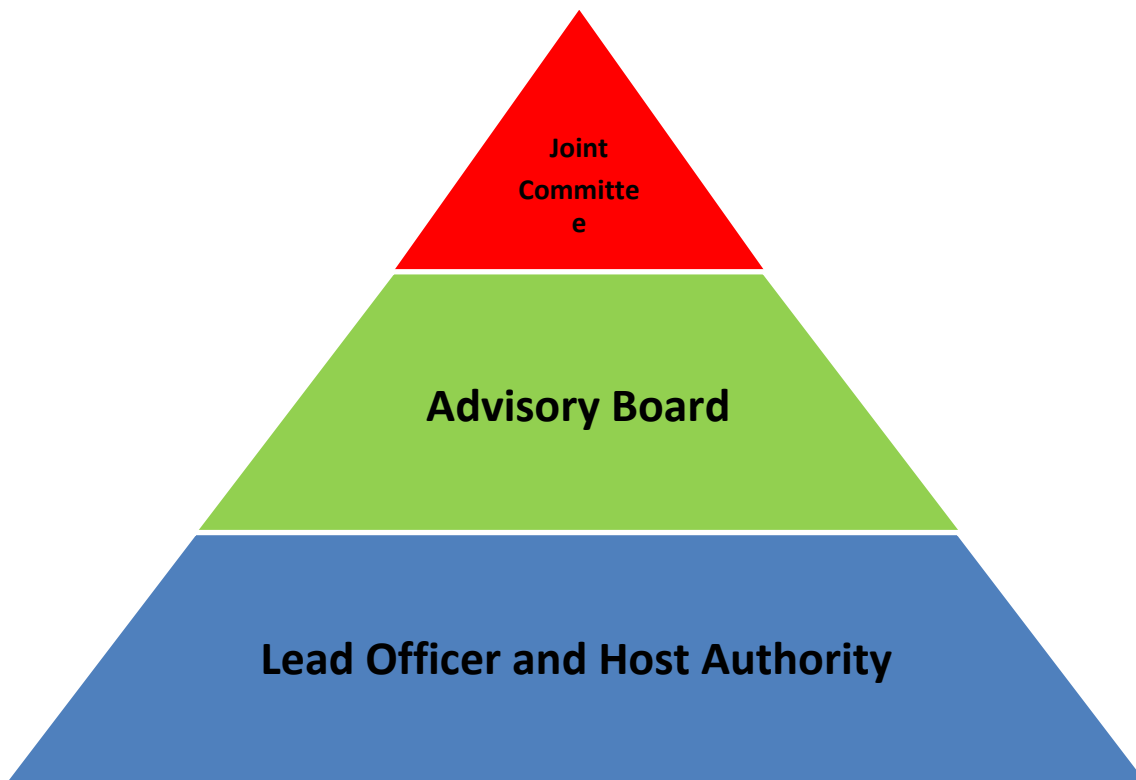


Fig 2. Governance Structure

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

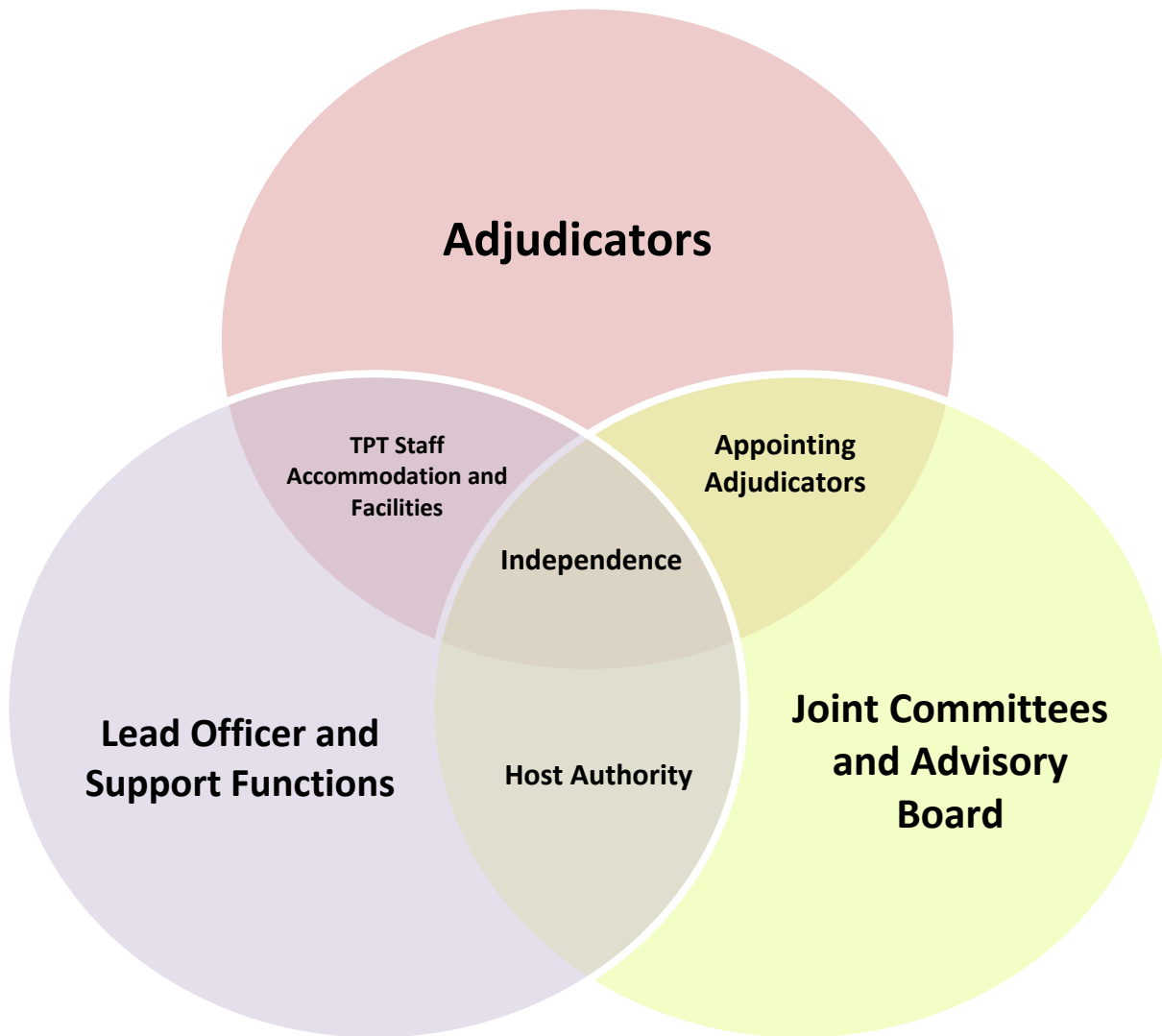


Fig 3. Overview of Joint Committee Relationships

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APPENDIX 5

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

FINANCIAL REGULATIONS

2017/18

1. General

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

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

2. Accounting Arrangements

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

3. Banking Arrangements, Cheques and Purchase Cards

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

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

4. Revenue and Capital Budgets

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

5. Income

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

6. Borrowing and Investments

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

7. Orders and Contracts

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

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

8. VAT

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

9. Reserves

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

10. Equipment

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

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

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

11. Insurance

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

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

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

12. Risk

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

13. Internal Audit

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

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

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

13.4 Audit Reports will be presented to the Joint Committee.

14. External Audit

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

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

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

14.4 Audit Reports will be presented to the Joint Committee.

15. Petty Cash

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

16. Expenses

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

17. Gifts and Hospitality Register

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

18. Declaration of Interest

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

19. Anti-fraud, anti-corruption and whistleblowing

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

20. Document Retention

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

21. Review and approvals

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

21 September 2010

28 September 2011

26 June 2012

25 June 2013

25 June 2014

23 June 2015

11 July 2017

PATROL ADJUDICATION JOINT COMMITTEE

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

1.0 Report Summary

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

2.0 Recommendation

- 2.1 That the Joint Committee establishes an Executive Sub-Committee to act on behalf of the Committee until the annual meeting in June 2016, in accordance with paragraph 2 and the Appendix to this report, and that it appoints members of the Executive Sub-Committee for the forthcoming year.
- 2.2 Notes the date of the first meeting of the Executive Sub Committee will be 31st October 2017 in London.

3.0 Reasons for Recommendations

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

4.0 Financial Implications

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

5.0 Legal Implications

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

6.0 Risk Management

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

7.0 Background and Options

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

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

8.0 Access to Information

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

Name: Louise Hutchinson

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APPENDIX 1

Terms of Reference for the Executive Sub-Committee

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

1. Financial Matters

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

2. Human Resources

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

3. Advisory Board

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

4. New Council members to the PATROLAJC Agreement

Noting new council members.

5. Ad hoc delegations

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

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

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PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Date of Meeting:	11 th July 2017
Report of:	The Lead Officer on behalf of the Advisory Board
Subject/Title:	Appointments to the Advisory Board

1.0 Report Summary

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

2.0 Recommendation

That the Joint Committees

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

3.0 Reasons for Recommendations

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

4.0 Financial Implications

- 4.1 The budget makes provision for the Advisory Board

5.0 Legal Implications

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

6.0 Risk Management

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

7.0 Background and Options

7.1 The Standing Orders provide for the Joint Committee to establish and appoint an Advisory Board comprising the Lead Officer and other such officers and persons appointed by the Joint Committee to advise it on its functions.

7.2 The attached Terms of Reference enable an effective and efficient arrangement for matters relating to the PATROLAJC and the Bus Lane Adjudication Service Joint Committee BLASJC

7.3 At the meetings held in June and October 2016 the Joint Committee made appointments for the period ending at the next annual meeting, these are detailed in the attached document.

7.4 At the meeting held in October 2013, the Joint Committee determined to appoint a representative from the Department for Transport in respect of road user charging enforcement.

7.5 The Joint Committee is invited to adopt the terms of reference and make the appointments recommended in the appendix to this report.

8.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

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Email: lhutchinson@patrol-uk.info

Appendix 1

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

Terms of Reference

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

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

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

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

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

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

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

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

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

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

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

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

Appointments and four-year cycle

Local Authority Members

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

July 2018

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

July 2019

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

July 2020

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

Welsh Government Member

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

Department for Transport Member

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

Independent Member

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

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

Motoring Organisation Member

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

Bus Lane Member

The Bus Lane Joint Committee position is vacant.

Recommendations

That the Joint Committees

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

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Date of Meeting: 11th July 2017

Report of: The Director

Subject/Title: General Progress Report

1.0 Report Summary

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

2.0 Recommendation

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

2.2 To note the information about tribunal initiatives.

3.0 Reasons for Recommendations

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

4.0 Financial Implications

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

5.0 Legal Implications

5.1 None

6.0 Risk Management

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

7.0 Background and Options

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

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

8.0 Access to Information

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

Name: Louise Hutchinson
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Appendix 1: TRAFFIC PENALTY TRIBUNAL Appeals Summary 1 April 2016 – 31 March 2017

1. Summary

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

In summary comparing 2016/17 with 2015/16:

1.2 English authorities (outside London)

The volume of parking PCNs appealed has reduced by 3.7%

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

Total movement in England is an increase of 3%

1.3 Welsh Authorities

The volume of parking PCNs appealed has reduced by 43%

The volume of bus lanes appealed has reduced by 12%

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

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

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

1.5 Dart Charge

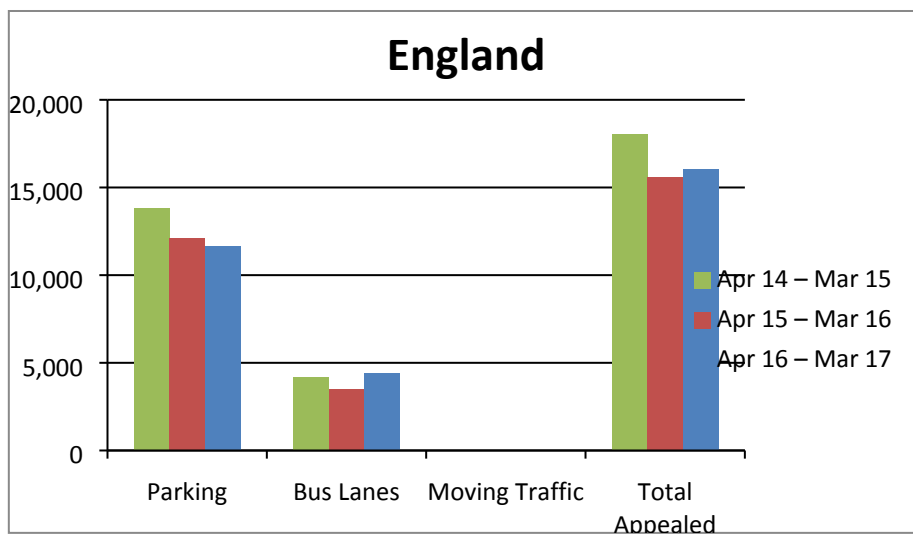
Road user charging was introduced at the Dartford-Thurrock crossing in November 2014. There has been an increase of 129% in PCNs appealed when comparing 2016/17 with 2015/16.

1.6 Total across all appeal streams

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

2. English Local Authorities.

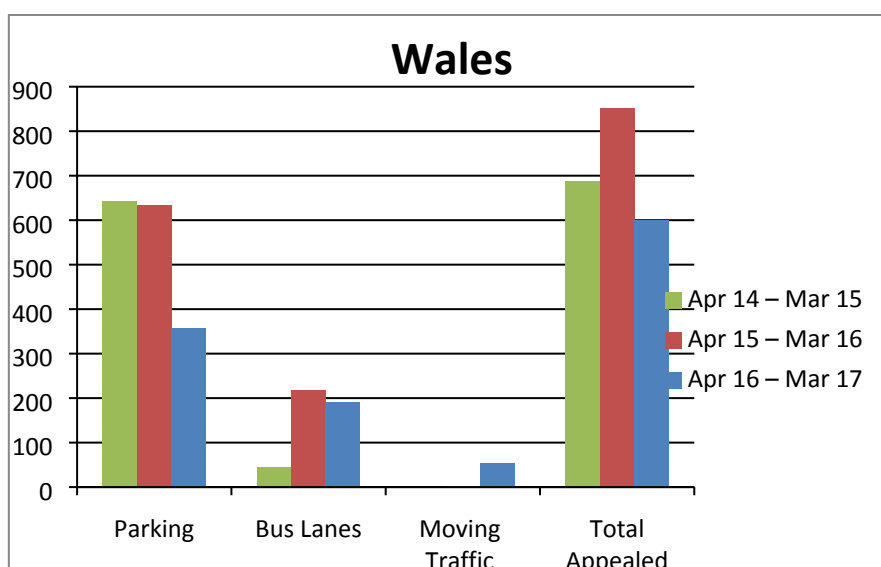
England	Parking	Bus Lanes	Moving Traffic	Total Appealed
Apr 16 – Mar 17	11,642	4,418	0	16,060
Apr 15 – Mar 16	12,100	3,503	0	15,603
Apr 14 – Mar 15	13,848	4,209	0	18,057



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

3. Welsh Local Authorities

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

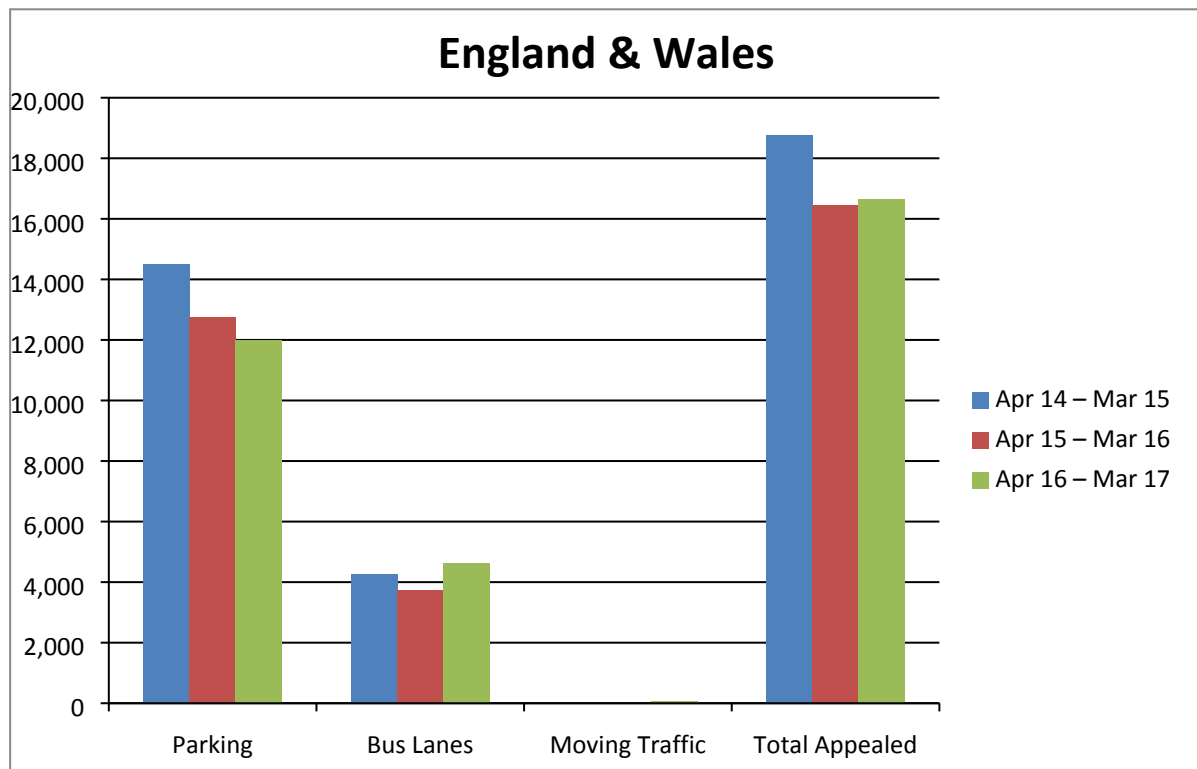


Comparing 2016/17 with 2015/16, the volume of parking PCNs appealed against Welsh authorities has reduced by 43% and Welsh bus lane appeals have reduced by 12%. Total PCNs appealed against Welsh authorities has reduced by 29.7%.

4. England and Wales combined

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

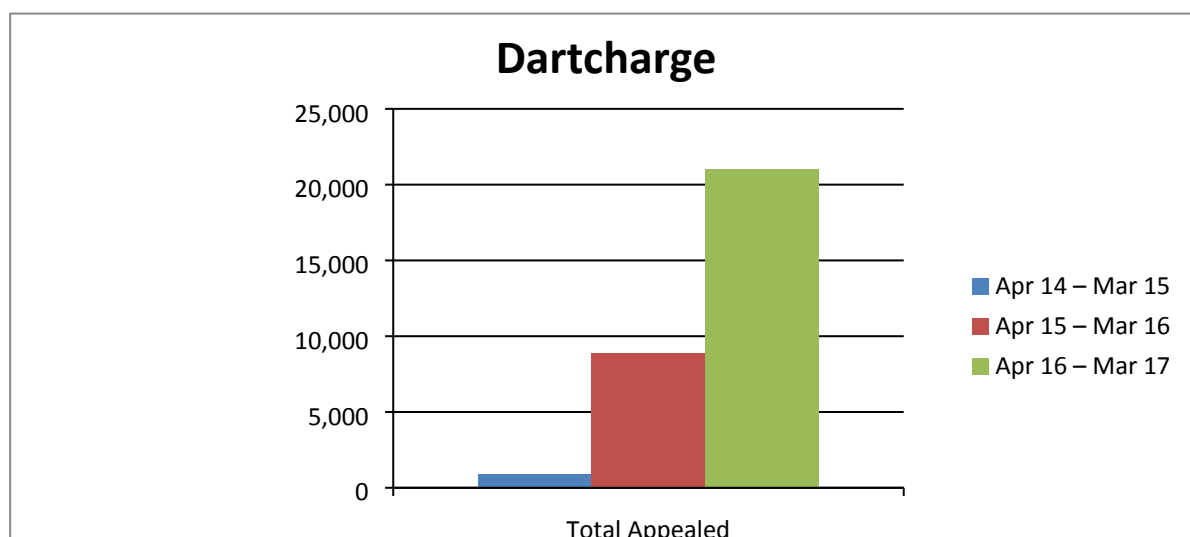
The overall total of PCNs appealed against English (outside London) authorities has increased by 12.4%.



5. Dart Charge

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

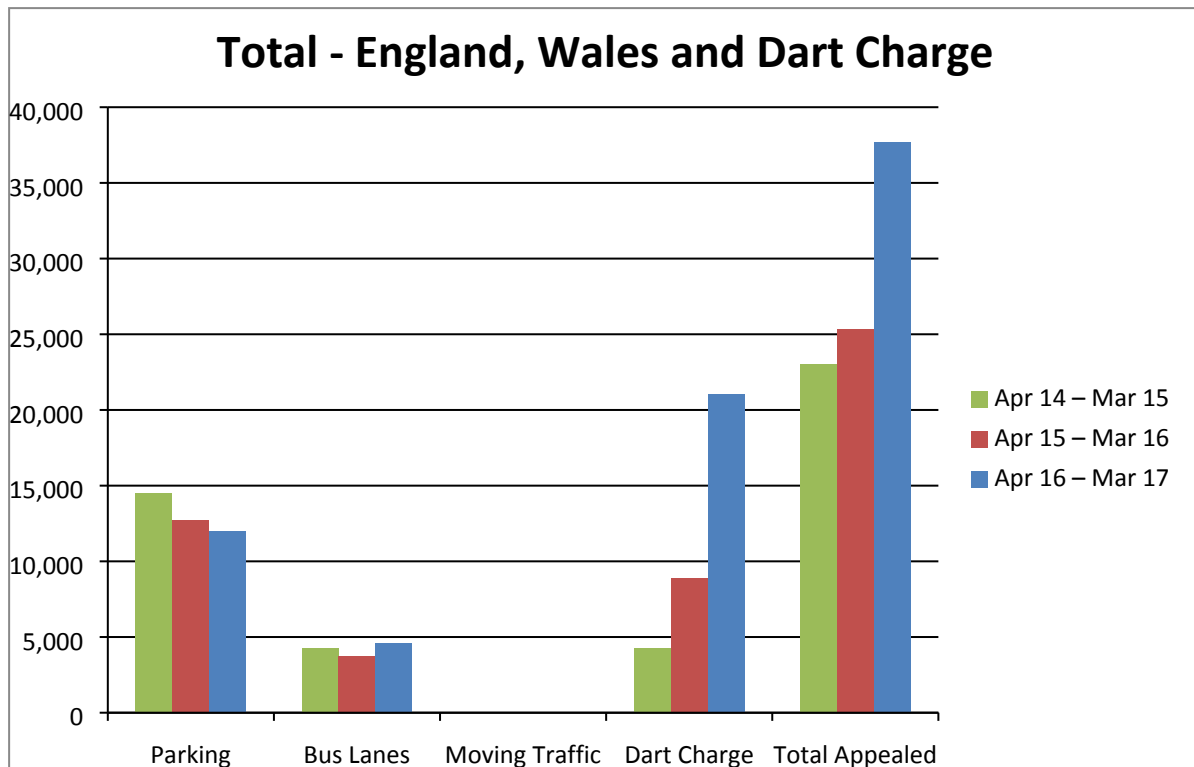
Dart Charge				Total Appealed
Apr 16 – Mar 17				21,017
Apr 15 – Mar 16				9,174
Apr 14 – Mar 15				610



6 Total across all appeal streams.

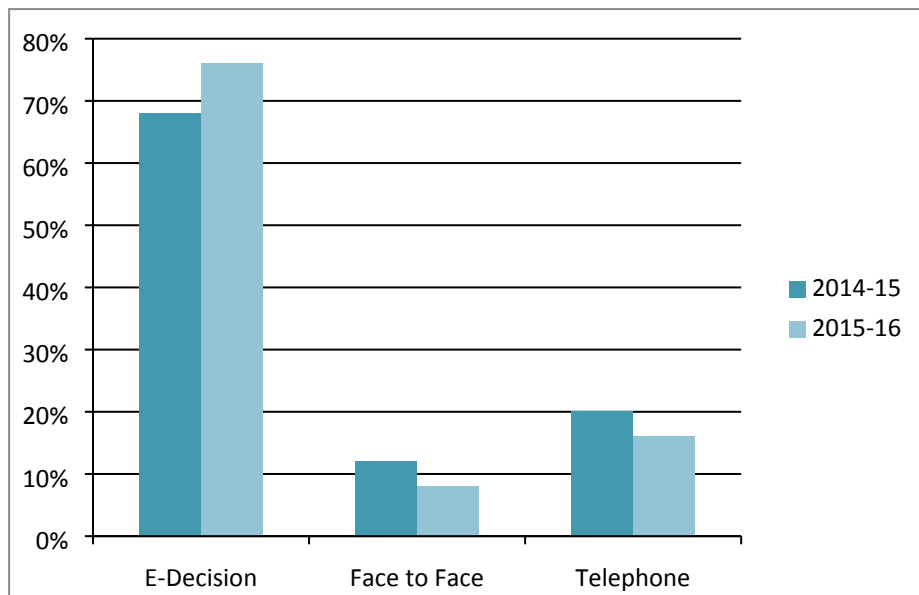
The total volume of PCNs appealed across all appeals streams has increased from 25,629 to 37,676 which represents an increase of 47%

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



7. Frequency of hearings

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



8. Case Closure

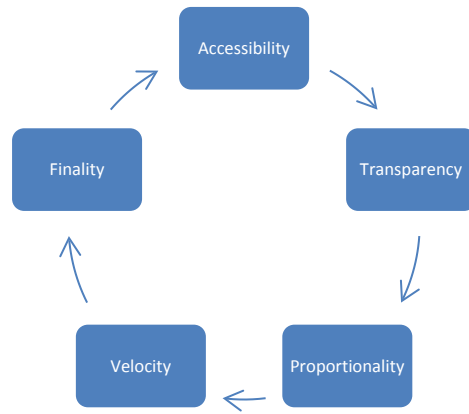
8.1 By the end of March 2017, all local authorities and their appellants had been provided with access to FOAM (Fast Online Appeal Management). The online system has resulted in a new way of handling appeals with the facility for messaging and all parties having access to the same information and evidence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

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

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

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

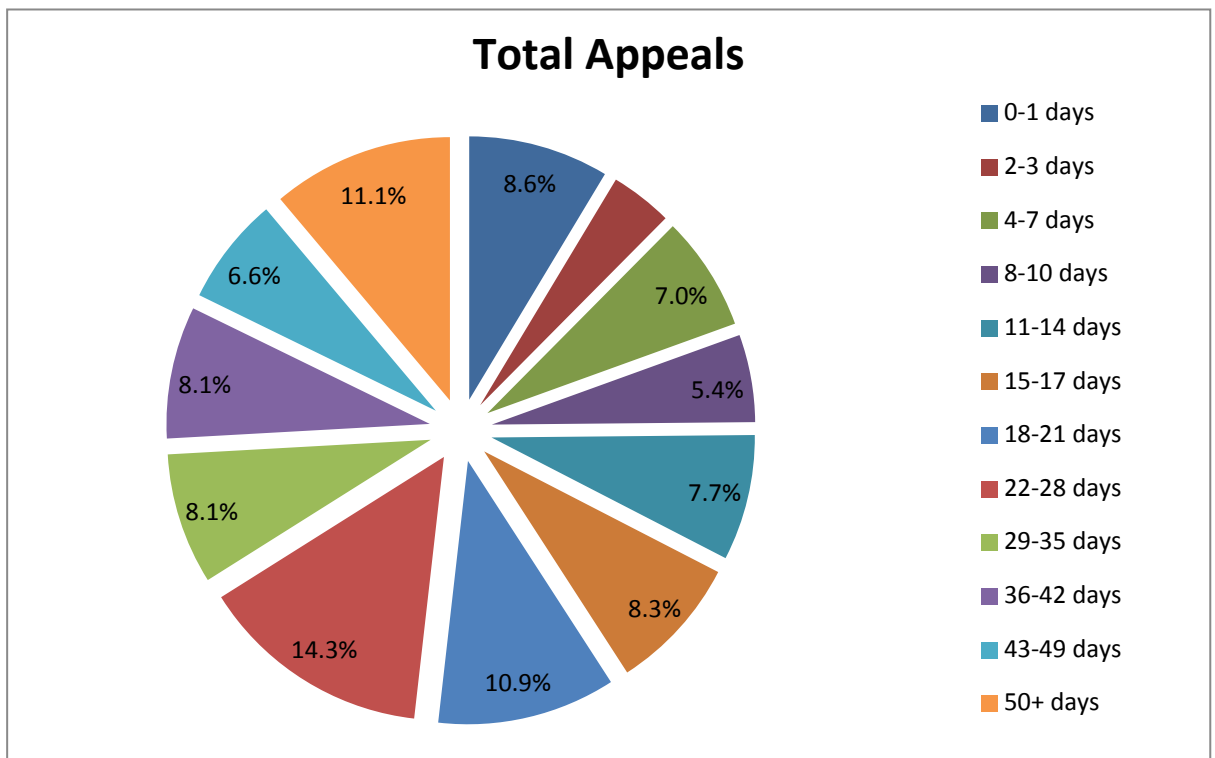
8.4 The online case management system, FOAM, has been built upon the following principles:



Principles behind FOAM (Fast Online Appeal Management)

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

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



9. Offline appellants

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

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PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 11TH July 2017
Report of: The Director
Subject/Title: Road User Charging Scheme – Merseyflow

1.0 Report Summary

1.1 To update the Joint Committee of the forthcoming enforcement and adjudication arising from the introduction of road user charging at the Mersey Gateway and Silver Jubilee Bridges between Runcorn and Widnes, known as Merseyflow.

2.0 Recommendation

2.1 To note that the introduction of appeals arising from failing to pay the Merseyflow road user charge is due to commence in Autumn 2017 and that as Halton Borough Council is not a member of the PATROL Joint Committee, the provision of adjudication will be underpinned by a Memorandum of Understanding between the PATROL Joint Committee and Halton Borough Council.

3.1 Reasons for Recommendations

3.1 Information update

4 Financial Implications

4.1 The Memorandum of Understanding will set out operating arrangements, development costs and ongoing charges.

5.0 Legal Implications

5.1 None at this stage

6.0 Risk Management

6.1 The risk register includes monitoring of new jurisdictions.

7.0 Background and Options

7.1 The Mersey Gateway Bridge has been under construction since May 2014 and is on target to open to the public in Autumn 2017. In addition to the 2.3 km new bridge across the River Mersey and Manchester Ship Canal, the scheme includes upgrades to the surrounding road network and links to the M56 (see Appendix 1).

- 7.2 The new free-flow scheme will be known as Merseyflow and will consist of the new six-lane bridge, the Mersey Gateway Bridge, and the existing Silver Jubilee Bridge carrying traffic between the towns of Runcorn and Widnes (see Appendix 1).
- 7.3 Once the Mersey Gateway Bridge is open, the nearby Silver Jubilee Bridge will close temporarily so that it can be reconfigured to two traffic lanes.
- 7.3 Both the new Mersey Gateway Bridge and the Silver Jubilee Bridge will then be free-flow and subject to tolls/charges once open to traffic.
- 7.4 Public information on Merseyflow is already available and motorists will be able to register for accounts from July 2017.
- 7.5 The Mersey Gateway and Silver Jubilee Bridges do not form part of the strategic road network. The Enforcement Authority is Halton Borough Council. The council is not a member of the Joint Committee and the adjudication arrangements will be underpinned by a Memorandum of Understanding between the PATROL Joint Committee and the council.
- 7.6 The free-flow tolling scheme will be operated by Emovis who are also operating for Dart Charge. The tribunal has been sharing the experiences and findings from the enforcement and adjudication at the Dartford Thurrock River Crossing with representatives from the Mersey Gateway Crossings Board, the body coordinating the introduction of the Merseyflow scheme on behalf of Halton Borough Council.
- 7.7 The tribunal's online appeal system will be easily adapted to facilitate the handling of the new appeals which will following a similar format to the appeals process for the Dartford-Thurrock River Crossing, with some variations to reflect local charges and the operation of two bridges.

8. Access to information

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

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Scheduled to open autumn 2017

The Mersey Gateway Project

On track to open in autumn 2017, the Mersey Gateway Project is a major civil engineering scheme to build a new six-lane cable-stayed toll bridge over the River Mersey and a 9.2 kilometre road network connecting the new bridge to the main motorway network in the north west of England.

At a local level, the project will provide a much needed new link between the towns of Runcorn and Widnes and will relieve the congested and ageing Silver Jubilee Bridge.

You can now see detailed information about tolling at www.merseyflow.co.uk. There are special discount deals on tolls for eligible Halton residents and regular users along with information about how blue badge holders can register for free crossings.

Registration will open in the summer of 2017 but you can look online now to work out the best deal for you and see what you need to do to register.



The new bridge

The design of the new Mersey Gateway Bridge is a cable-stayed structure with three pylons.

It will be 2.3km long with a river span of 1km.

The main bridge deck is made from reinforced concrete and the spans are supported by steel cable stays attached to pylons rising up to between 80 and 125m above the river bed.

Once open, the new bridge will carry up to six lanes of traffic and will have a speed limit of 60mph.

Construction in the river 2017



Drop in to one of our free visitor centres

Two free Mersey Gateway visitor centres – at the Catalyst Museum in Widnes and at Runcorn Shopping Centre – and a special Environmental Trail at Wigg Island, have been set up to tell the story of Halton’s iconic new bridge.

They are staffed by Mersey Gateway volunteers who are on hand to answer questions on everything from local history and heritage, environment and ecology, to the bridge construction.

In Widnes, our volunteers also host trips to the Catalyst centre’s rooftop observatory, where visitors can get a bird’s eye view of the construction work that is taking place in the estuary.



Our visitor centre at The Catalyst Museum

Benefits

The project will bring huge estimated benefits for people and businesses in Halton, the Liverpool city-region, Cheshire and across the north west.

Up to 1,000 people are working on site on the project at any one time, and during the first year of construction Merseylink issued contracts worth a total of £129 million to north west businesses. Looking at the wider picture, we are also seeing the early impact of the project with new investment coming to Halton on both sides of the river.

Studies show that the economic benefits Mersey Gateway will bring to Halton and the surrounding area are almost four times greater than its cost.

The projected long-term economic benefits include:

- 470 permanent full time equivalent jobs on site during the construction phase,
- 4,640 permanent new jobs as a result of the operation of the Mersey Gateway, regeneration activity and inward investment, and
- £61.9 million a year in Gross Value Added from the new jobs by 2030.



The project will also mean major transport improvements, such as:

- reductions in some journey times of up to 10 minutes in peak periods,
- increase in journey time reliability and less congestion,
- 80% less traffic using the Silver Jubilee Bridge, freeing it up for use as a local bridge, and
- a major strategic new transport route linking the Liverpool city-region and the north west to the rest of the country.

It will also deliver social benefits to communities in and around Halton including:

- improvements to public transport facilities,
- improvements to walking and cycling facilities, and
- improved health as a result of reduced air pollution.

The Merseylink Consortium was appointed by Halton Borough Council as the project company in 2014 on a 30-year contract to design, build, finance and operate the project. Its equity partners are Macquarie Capital Group Limited, BBGI, and FCC Construcción.

The construction joint venture is made up of Kier Infrastructure and Overseas Limited, Samsung C&T Corporation and FCC Construcción S.A.

Emovis will deliver and operate the tolling solution for the consortium through its merseyflow brand.

Tolling

You can now find all the latest information relating to tolling – including prices and discount options – at the new tolling website – www.merseyflow.co.uk

Registration will open in the summer of 2017, and when it does you will need to register with merseyflow to make sure you get the best discount deal for you.

Both the new bridge and the Silver Jubilee Bridge will be tolled when the new bridge opens in 2017. It will cost the same to cross either bridge.

Eligible Halton residents will be able to cross for free once they have paid a £10 annual administration fee.



Costs and funding

Halton Borough Council has set up a new body, the Mersey Gateway Crossings Board Ltd, to deliver the project.

It is working closely with the Merseylink consortium, which was appointed as the project company by the council and is responsible for the design, build, finance and operation of the bridge over the next 30 years.

Halton Borough Council and Merseylink have worked together to reduce the project budget by £250 million.

The £1.86 billion lifetime cost includes the design, build, finance, operation and maintenance of the project through to 2044. The majority of the funding comes from the tolls paid by road users, but there is also a contribution from the UK Government.




Timetable

We're on track to open the new bridge and the surrounding road network in autumn 2017. It has been a hugely exciting journey to get here.

Spring 2014
Construction work started


Construction underway on the supporting pylons



Autumn 2015
Construction of main bridge began


Autumn 2016
Roads start re-opening across Runcorn and Widnes
First of 146 cable stays installed on the new bridge

The cable stays from the top of the south pylon



Autumn 2017
Mersey Gateway Bridge scheduled to open

The new bridge as it crosses St Helens Canal in Widnes



Autumn 2017
Silver Jubilee Bridge closed for refurbishment

Autumn 2018
Silver Jubilee Bridge scheduled to re-open

The Silver Jubilee Bridge

Built in 1961, and now crossed by over 26 million users every year, the Silver Jubilee Bridge (SJB) is the only route for cars to cross the Mersey through Halton and is a notorious traffic bottleneck.



Incidents and routine maintenance result in extensive delay where the local and regional road networks become 'gridlocked' for several hours.

To deliver the traffic and environmental benefits when the new bridge opens, the SJB will be tolled – but it will be free for eligible Halton residents, local buses, cyclists and pedestrians.

Around 80% of traffic will use the new bridge and the SJB will be reconfigured as a local bridge – with one lane of traffic in each direction, alongside dedicated space for cyclists and pedestrians.

When the new bridge opens it is planned to close Silver Jubilee Bridge for up to 12 months to undertake essential maintenance work that is being postponed to avoid traffic disruption. The SJB will remain open to cyclists and pedestrians throughout this closure.

Environment

Mersey Gateway is a 'green' project that is starting to bring major environmental benefits to the local area.

A unique new charity – the Mersey Gateway Environmental Trust – has been created to promote the conservation, protection and improvement of the environment across a 1600 hectare area of the Upper Mersey Estuary running from the new bridge up river to Warrington.

The Trust, which will also manage a new 28.5 hectare nature reserve alongside the bridge, is unique for a major construction project in the UK.



Keep in touch

Merseylink, Forward Point, Tan House Lane, Widnes, WA8 0SL

www.merseygateway.co.uk

✉ info@merseylink.com

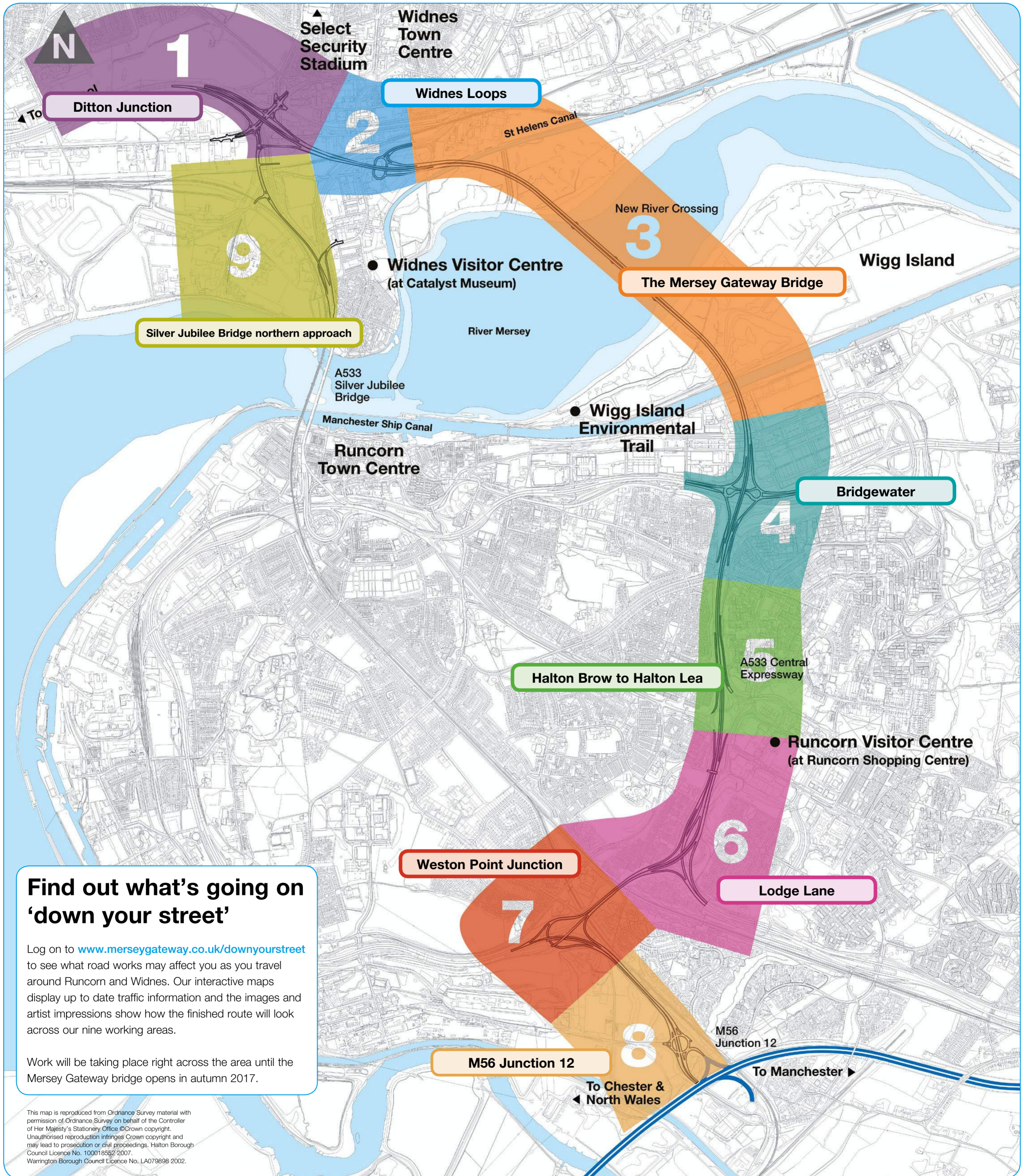
☎ 0333 200 1164

🐦 @merseygateway

📘 MerseyGatewayBridge



The route



Find out what's going on 'down your street'

Log on to www.merseygateway.co.uk/downyourstreet to see what road works may affect you as you travel around Runcorn and Widnes. Our interactive maps display up to date traffic information and the images and artist impressions show how the finished route will look across our nine working areas.

Work will be taking place right across the area until the Mersey Gateway bridge opens in autumn 2017.

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<p>SAVINGS DELIVERED through procurement</p>	<p>£250 MILLION</p>	<p>4,640 NUMBER OF DIRECT AND INDIRECT JOBS the project is set to create</p>	<p>FREE TRAVEL ACROSS the two bridges for eligible HALTON RESIDENTS</p>	<p>2017 MERSEY GATEWAY SCHEDULED TO OPEN</p>
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PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 11th July 2017

Report of: The Director

Subject/Title: Draft Air Quality Plan and Consultation on Tackling Nitrogen Dioxide in our Towns and Cities.

1. Report Summary

1.1 To update the Joint Committee on the Government's Draft Air Quality Plan and Consultation on Tackling Nitrogen Dioxide in our Towns and Cities.

2. Recommendation

2.1 To note the Draft Air Quality Plan and response to the consultation on Tackling Nitrogen Dioxide in our Towns and Cities.

3. Reasons for Recommendations

3.1 For information

4. Financial Implications

4.1 None at this stage.

5. Legal Implications

5.1 None at this stage

6. Risk Management

6.1 None at this stage

7. Background and Options

7.1 This paper provides a summary of the UK Government's Draft Air Quality Plan and Consultation on tackling nitrogen dioxide in our towns and cities. It also sets out the implications for PATROL and its member authorities and proposed actions.

7.2 The Government has issued a Draft Air Quality Plan and Consultation Document which outlines and seeks views on measures to reduce air pollution, and particularly nitrogen dioxide in urban areas. A Clean Air Zones (CAZ) defines an area where targeted action is taken to improve air quality

and resources are prioritised and coordinated in a way that delivers improved health benefits and supports economic growth.

- 7.3 Local authorities have air quality obligations under the Environment Act 1995 and powers to tackle local air pollution via the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 and via the Clean Air Act 1993. Any local authority can introduce a Clean Air Zone and use their powers under the Transport Act 2000 to implement a charging zone.
- 7.4 The Clean Air Zone Framework in England identifies the outcomes that CAZs are expected to deliver:
- a) Immediate action to improve air quality and health by delivering the statutory limit values within the shortest possible time.
 - b) Supporting local growth and ambition (decoupling growth and pollution)
 - c) Accelerating the transition to a low emission economy.
- 7.5 In 2016, the UK Government consulted on draft secondary legislation which would enable the Secretary of State for Environment, Food and Rural Affairs to require local authorities in the five cities name in the UK Air Quality Plan for tackling nitrogen dioxide published in December 2015 – Birmingham, Leeds, Nottingham, Derby and Southampton – and by notice, other authorities in England, to implement air quality charging schemes using their powers in the Transport Act 2000. The UK Government will require local authorities outside of London in England to implement plans to address these within the shortest possible time but anticipate it will take up to three years. In addition, Greater Manchester, Bristol and South Gloucestershire have already secured Air Quality Grants.

7.6 Authorities with roads with levels above legal limits based on initial modelling.

Appendix 1 provides details of local authorities with roads with levels above legal limits based on initial modelling. **The consultation underlines that this is not a list of local authorities that will have to implement a Clean Air Zone.** The underpinning evidence is subject to further analysis and the government will continue discussions with local authorities to consider the best option to achieve statutory limit values within the shortest possible time.

7.7 CAZs fall into two categories:

- a) *Non-charging CAZ* – These are defined geographic areas used as a focus for action to improve air quality. This action can take a range of forms including, but not limited to, those set out in Section 2 of the Framework but does not include the use of charge based access restrictions. Non charging measures are identified as follows:
 - i) Exploring innovative retrofitting technologies and new fuels
 - ii) Buying ULEVs and encouraging local transport operators to do the same

- iii) Encouraging private uptake of ULEVs (Ultra Low Emission Vehicles) via ensuring adequate charge points.
 - iv) Encouraging use of public transport, walking, park and ride schemes and car sharing.
 - v) Improving road layouts and junctions to optimise traffic flow, for example by considering removal of road humps.
 - vi) Working with local business and neighbouring authorities to ensure a consistent approach.
- b) *Charging CAZ* – These are zones where, in addition to the above, designated vehicles are required to pay a charge to enter or to move within the zone, if they are driving a vehicle that does not meet the particular standard for their type in that zone. Charging CAZs are sub-divided into classes A-D on the basis of the types of vehicles to which the charging scheme may apply.

Charging Clean Air Zone Class	Vehicles potentially included ¹
A	Buses, coaches, taxis and private hire vehicles
B	Buses, coaches, heavy goods vehicles (HGVs) taxis and private hire vehicles
C	Buses, coaches, HGVs, large vans, minibuses, small vans/light commercials, taxis and private hire vehicles
D	Buses, coaches, HGVs, large vans, minibuses, small vans/light commercials, taxis and private hire vehicles, cars, motorcycles and mopeds

Note 1: Detailed descriptions and exemptions are set out in the Clean Air Zone Framework.

Vehicles which meet at least the minimum emission standard for the Clean Air Zone will be able to enter or move within the zone free of charge (see table below).

Vehicle Type	Clean Air Zone minimum emission standards
Buses and coaches	Euro VI
Heavy goods vehicles	Euro VI
Vans	Euro 6 (diesel) or Euro 4 (petrol)
Cars	Euro 6 (diesel) or Euro 4 (petrol)
Motorcycles and mopeds (optional)	Euro 3

Full electric or hydrogen fuel cell ULEVs will be able to enter or move within zones free of charge.

7.8 Timescales for implementing CAZs

Where a charging CAZ is proposed, the UK Government expects that it would take until the end of 2020 (or 2019 for the five cities named above) to introduce however the expectation is that local authorities would need to deliver sooner if they could. Where a charging CAZ is proposed, the UK Government believes that local authorities could achieve the statutory limit values in most cases, by 2021 after charging has begun. For the five cities named above, it is anticipated that they will achieve the statutory level by 2020. Birmingham and Leeds are identified as having particularly high exceedances and are likely to require a combination of measures such as improved signage and rerouting, switching to different forms of transport (including park and ride schemes), road improvements and infrastructure for alternative fuels in order to achieve statutory limit values within the shortest possible time.

Any revenues collected by local authorities will be reinvested to support local transport polices, which could cover public health projects or better town and city planning, promoting cleaner air.

7.9 Charging versus non-charging measures

CAZ proposals are not required to include a charging zone. The UK Government's stated view is that given the potential impacts on individuals and businesses, when considering between equally effective alternatives to deliver compliance, that if a local authority can identify measures other than charging zones that are at least as effective at reducing, those measures should be preferred. This includes considering all equally effective alternatives to charging zones.

A proposed CAZ plan will only be approved by Government, and therefore be considered for appropriate funding support, if it can show that:

- a) It is likely to cause levels in the area to reach legal compliance within the shortest time possible.
- b) The effects and impacts on local residents and businesses have been assessed, including on disadvantaged groups, and there are no unintended consequences; and
- c) Proposals that request central Government funding support demonstrate value for money.

7.10 Proposals for a charging CAZ would need to include:

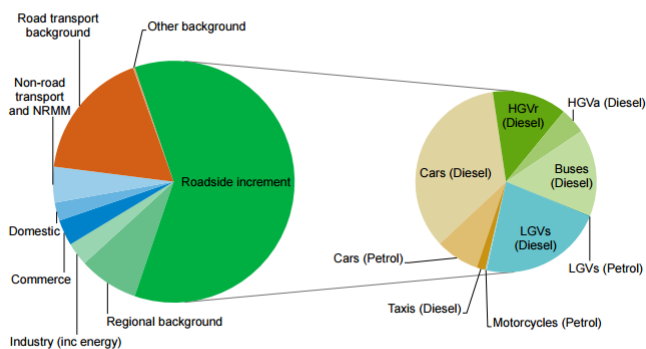
- a) the detail of where and when charges would apply
- b) The vehicles types to which they would apply
- c) The results of consultation with local people
- d) An assessment of such an approach and how it could be mitigated.

In all cases, charging zones would only apply to older, higher polluting models of vehicle types, so as to have a targeted impact on pollution. Local authorities which adopt a Clean Air Zone in line with the Framework will have an additional advantage when bidding for competitive government funding where air quality is one of the stated assessment criteria for that fund.

7.11 Tackling nitrogen dioxide in our towns and cities – a consultation

7.11.1 This consultation relates specifically to pollution which is exceeding legal limits along specific roads in a number of urban areas. The graph below is taken from the consultation document.

Figure 3 - Breakdown of UK national average roadside concentration of nitrogen oxides² into sources, 2015³



7.11.2 Diesel road vehicles are seen as the main source and impact on the measures set out in the consultation which largely relate to how the impact of diesel vehicles can be reduced. The consultation applies to England, Scotland, Wales and Northern Ireland.

7.12 Consultation

The consultation closed on 15th June 2017. A copy of the PATROL response is enclosed at Appendix 1. Government has indicated that it will publish a summary of responses by **31 July 2017**

7.13 Wales

The Welsh Government will be consulting within 12 months on the detail of a proposal for a Clean Air Zone Framework for Wales.

7.14 Implications for PATROL

- a) PATROL will bring together interested parties from the five identified Clean Air Zones and others who have secured Air Quality Grants as well as authorities such as Nottingham City Council who are exempting ULEVs from bus lanes to consider public information and signage issues.

- b). Where charging Clean Air Zones operate, appeals would be dealt with by the Traffic Penalty Tribunal with authorities accessing through their membership of PATROL. Authorities in (a) who implement charging will have access to online appeal management through FOAM (Fast Online Appeal Management).

7.15 References

- (i) Draft UK Air Quality Plan for tackling nitrogen dioxide (Improving air quality in the UK; tackling nitrogen dioxide in towns and cities)
- (ii) Technical report, including details of the modelling techniques and assumption used in the draft UK Air Quality Plan for tackling nitrogen dioxide.

<https://www.gov.uk/government/news/new-air-quality-plan-published-for-consultation>

8 Access to Information

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

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Appendix 1

Local authorities with roads and concentrations forecast above statutory limits based on initial modelling.

The following tables set out the UK Government's best available forecast of UK local authorities within one or more roads with concentrations of above statutory limits and for how long these exceedances would last if no additional measures were taken. The current projections point to around 40 local authorities in England having one or more roads projected to remain in breach of air quality limits for some years ahead unless action is taken. The table excludes the strategic road network and covers England (outside London²).

The UK Government is undertaking further modelling using updated emissions and traffic data, which will be complete before the publication of the final plan and may result in some changes in forecasts.

The table is not a list of local authorities that will have to implement a Clean Air Zone.

Note 2: In London the responsibilities rest with the Mayor. The Mayor is introducing

- a) an Emissions Surcharge (T Charge) from 23 October 2017 which aims to help discourage older (pre Euro 4) polluting vehicles from central London.
- b) The Ultra-Low Emission Zones (ULEZ) will be launched in April 2019.
- c) Introducing 12 low emission bus zones
- d) Phasing out pure diesel buses, retrofitting older buses, from 2018 purchasing hybrid or zero emission buses
- e) From 1 January 2018, no new diesel taxis will be licensed
- f) Introducing five low emission neighbourhoods.
- g) Public information alerts
- h) Transportation shifts
- i) Public works to reduce traffic
- j) Setting emission requirements for non-road mobile machinery through the planning system.

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Table 1 – English local authorities with one or more roads forecast persistently to exceed NO₂ legal limits based on initial modelling (subject to change) and assuming no additional measures⁴

Basildon District Council	Leeds City Council	Salford Metropolitan Borough Council
Birmingham City Council	Leicester City Council	Sheffield City Council
Bolton Metropolitan Borough Council	Liverpool City Council	South Tyneside Metropolitan Borough Council
Bournemouth Borough Council	Manchester City Council	Southampton City Council
Bradford City Council	Middlesbrough Borough Council	Stockport Metropolitan Borough Council
Bristol City Council	New Forest District Council	Surrey Heath District Council
Bury Metropolitan Borough Council	Newcastle City Council	Tameside Metropolitan Borough Council
Derby City Council	Nottingham City Council	Trafford Metropolitan Borough Council
Doncaster Metropolitan Borough Council	Plymouth City Council	Wakefield Metropolitan District Council
Fareham Borough Council	Portsmouth City Council	Walsall Metropolitan Borough Council
Gateshead Metropolitan Borough Council	Reading Borough Council	Wigan Metropolitan Borough Council
Greater London Authority	Rochford District Council	Wolverhampton City Council
Guildford Borough Council	Rotherham Metropolitan Borough Council	

⁴ Early indications from the further modelling to be completed during the consultation suggest that Coventry City Council may still have roads that require an intervention

Table 1 – English local authorities with one or more roads forecast persistently to exceed NO₂ legal limits based on initial modelling (subject to change) and assuming no additional measures⁴

Halton Borough Council	Rushmoor Borough Council	
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Next Steps

42. Actions to put in place Clean Air Zones as soon as possible in the five cities named in the UK Air Quality Plan for tackling nitrogen dioxide published in December 2015 – Birmingham, Leeds, Nottingham, Derby and Southampton – are well advanced. Additionally local authorities in Greater Manchester and in Bristol and South Gloucestershire have secured Air Quality Grant funding to develop Clean Air Zone proposals.
43. The Government has engaged early with the local authorities which may need to take further action, working with them to identify the most appropriate local solutions. Discussions with other local authorities have already started with a view to them developing innovative proposals for their local area that will bring pollution levels within the legal limits within the shortest time possible. These discussions will continue through the period of this consultation and the development of the final UK Air Quality Plan for tackling nitrogen dioxide. This will ensure that swift action is taken locally to make progress on addressing air quality exceedances.
44. The Government will work closely with local authorities with a view to them finalising detailed proposals covering all of the points set out at paragraph 25 above within 18 months. We expect that for most local authorities that need to do so, introducing a charging scheme would take until the end of 2020 (or 2019 for the five local authorities named in the UK Air Quality Plan for tackling nitrogen dioxide published in December 2015) although local authorities would need to deliver sooner if they could.

4.2. Providing support for local action in England

45. Local authorities have air quality obligations under the Environment Act 1995 and powers to tackle local air pollution via the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 and via the Clean Air Act 1993. Any local authority can introduce a Clean Air Zone and use their powers under the Transport Act 2000 to implement a charging zone.
46. In addition to ongoing funding to support uptake of ULEVs across the UK and the development of battery design, Government-funded support for local actions has included the Air Quality Grant; the Bus Service Operators Grant and the Green Bus Fund; the Clean Bus Technology Fund and the Clean Vehicle Technology Fund; the



APPENDIX 2

RESPONSE TO CONSULTATION

“Tackling nitrogen dioxide in our towns and cities”

On behalf of the PATROL Joint Committee please find below background information in respect of the PATROL Joint Committee and answers to the questions set out in the consultation document.

Background information

The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises 309 local authorities in England (outside London) and Wales. The functions exercised by the PATROL Adjudication Joint Committee on behalf of its constituent councils are appointing independent adjudicators to the Traffic Penalty Tribunal (subject to the consent of the Lord Chancellor) and providing these adjudicators with administrative staff and accommodation

The statutory function of the Adjudicators of the Traffic Penalty Tribunal is to hear and decide appeals brought against Penalty Charge Notices (PCNs) issued by authorities in England (outside London) and Wales that operate civil parking, bus lane and moving traffic enforcement under the Traffic Management Act 2004 and Transport Act 2000. Adjudicators also consider appeals against PCNs issued for failing to pay a charge at the Dartford-Thurrock river crossing (where the enforcement authority is the Secretary of State for Transport) and the Durham Peninsular under the Transport Act 2000. The tribunal’s adjudicators will also hear appeals against penalties issued in respect of charging Clean Air Zones (CAZ) introduced under the Transport Act 2000.

PATROL also represents its member authorities on traffic management issues of mutual interest and promotes best practice in public information to increase public understanding of traffic management objectives.

PATROL and Clean Air Zones

Some of our member authorities are listed in the consultation document as having roads with concentrations of nitrogen dioxide forecast to be above statutory limits based on initial

modelling and may need to introduce a CAZ which could including a charge for polluting vehicles to enter.

Where charging CAZs are introduced, PATROL and the Traffic Penalty Tribunal can bring the experience of road user charging appeals to inform the process of education and awareness, enforcement and appeals processes.

The Traffic Penalty Tribunal operates an award winning online appeal system which all member authorities access for the purpose of parking, bus lane, moving traffic and road user charging appeals. This system is easily adapted to accommodate other enforcement streams operated by local authorities which allows all appeals to be managed from a single bespoke local authority appeals dashboard, even if this is operated from different departments within local authorities.

PATROL has drawn the attention of its members to the consultation and authorities will also send individual responses. PATROL will develop a network of local authority officers to promote information sharing and best practice in the event of charging schemes CAZs being introduced.

Q1 How satisfied are you that the proposed measures set out in this consultation will address the problem of nitrogen dioxide as quickly as possible?

The draft plan focuses on the role of local authorities in delivering reductions in nitrogen dioxide. A coordinated and complementary approach from both central and local government would deliver better outcomes more swiftly. For example, better integrated policy for transport, health, housing and planning; a clear policy on private car emissions; commitments on infrastructure investments around ultra-low electric vehicles (ULEVs) to support local delivery and campaigns; national communications and the development of industrial strategy to support technology and skills in the area of low emissions vehicles, monitoring and retrofitting.

Uncertainty around funding to support local initiatives and the lack of mandate could impact on the speed of feasibility studies and air quality improvements when both financial resources and specialist skills are required to deliver effective schemes.

Such an investment of resources and skills must be evidence based. There is concern that two different data collection systems are being used to determine pollution levels and potential reliance on data by DEFRA that is four years old could lead to unreliable targeting of resources. As a minimum the DEFRA and local authority data needs to be combined to ensure that there is a comprehensive assessment of need so that resources and initiatives may be targeted most effectively.

Local authorities may need to buy in expertise in a range of areas to undertake feasibility studies and deliver the required air quality improvements rapidly. There also needs to be

public education for this initiative to be effective. A national approach could prove more effective, less costly and promote consistency which will result in increased awareness for road users. Any charging schemes will have technical infrastructure requirements which will require investment take time to implement.

Consideration needs to be given to the local impact of national policies locally e.g. location of incinerators proximity to the national rail network, ports and the pollution levels associated with strategic roads.

Q2 What do you consider to be the most appropriate way for local authorities in England to determine the arrangements for a Clean Air Zone, and the measures that should apply within it?

Clean Air Zones should be seen as being complementary to existing local air quality management arrangements and measures to meet statutory duties, thus avoiding duplication of effort and resources. Local authorities having access to DEFRA modelling data will assist local authorities would support feasibility studies.

What factors should local authorities consider when assessing impacts on businesses.

There needs to be balance between the promoting air quality and promoting economic growth. This comes into sharper focus where charging schemes are being considered and its potential to impact upon/displace businesses and customers. Schemes such as incentivising low emission delivery vehicles with easier access for unloading may help.

Q3 How can Government best target any funding to support local communities to cut air pollution? What options should the Government consider further, and what criteria should it use to assess them?

Funding needs to support both feasibility studies and implementation. There are considerable opportunities for initiatives to be undertaken at a national level thus delivering economies of scale:

- National campaign to promote awareness and understanding of the role of Clean Air Zones to promote modal shift and changes resulting from the introduction of clean air zones.
- National approach to signage to promote consistency and public understanding
- Incentives for collaborative working/ sharing information/expertise at a local, regional and national level
- National network of expertise/skills to support local authorities
- National schemes which can be delivered at scale rather than local which need significant investment to set up.
- National planning guidance to ensure consistency in scheme design and monitoring
- National model for taxi/pubic vehicle emissions to avoid cross boundary pollutions issues.

Possible criteria:

- Evidence-based feasibility studies and options appraisal
- Evidence of local consultation with stakeholders
- Where charging schemes are proposed, evidence of steps to be taken to provide adequate warning through signage (both signs and location) and commitment to fairness in handling representations e.g. warning letters on first contravention etc.
- Evidence-based objectives taking into account local measures and robust monitoring arrangements

Are there other measures which could be implemented at a local level, and that could have direct and rapid impact on air quality? Examples could include targeted investment in local infrastructure projects.

Local authorities operate a range of strategies to promote a range of travel options thus reducing congestion and improving air quality. Their traffic management duties require them to balance the needs of residents, businesses and visitors in order to promote sustainable economic growth and success, and makes their authority a place people want to visit, live and work.

Targeted government infrastructure investment can strengthen existing measures particularly in the area of alternatives fuel accessibility: electric charging; hydrogen fuel, LPG and Autogas to support a local ULEV strategy. The government has a role to play in other areas of infrastructure which impact on air quality such as the railway infrastructure and rolling stock.

How can Government best target any funding to mitigate the impact of certain measures to improve air quality, on local businesses, residents and those travelling into towns and cities to work? Examples could include targeted scrappage schemes, for both cars and vans, as well as supporting retrofitting initiatives.

- Promote the take up of low emission vehicles through the development of sustainable infrastructure.
- Grants to bus companies to improve the performance of their fleet
- Targeted taxi scheme including private hire and hackney carriages
- Providing assurance in relation to retrofitting initiatives e.g. through certification.
- Support local transport schemes aimed at reducing congestion.

How could mitigation schemes be designed in order to maximise value for money, target support where it is most needed, reduce complexity and minimise scope for fraud?

- Accreditation of retrofitters
- Introduce economies of scale with national schemes which can be delivered at scale to reduce local set up costs.

Q4. How best can governments work with local communities to monitor local interventions and evaluate their impact?

Clarity in standards will enable effective monitoring and benchmarking between authorities. Consideration should be given to avoid duplication of monitoring and increased administrative burden.

Q5. Which vehicles should be prioritised for government-funded retrofit schemes?

This will vary at a local level depending on feasibility studies. Consideration should be given to supporting local authorities with the relevant infrastructure.

Q6. What type of environmental and other information should be made available to help consumers choose which cars to buy?

The priority should be to make it simple for consumers to understand whether the vehicle will comply with required standards (with a degree of future proofing) as well as other incentivising information such as running costs etc. This is particularly of concern where charging schemes are in operation. It is vital that there is consistency of approach to standards. Engagement with the automotive industry is required to ease the process of identification for motorists.,

If there are charging schemes across the country, road users need to know if their vehicle will comply. Town centres are destinations as well as places to live and information about CAZ schemes needs to be publicised nationally.

Q7. How could the Government further support innovative technological solutions and localised measures to improve air quality?

In the event of charging schemes across the country, consideration should be given to technologies which simplify customer engagement with CAZ charging schemes not simply for those in the local area but those who are required to travel between different charging zones possibly along the lines of a national “one-stop shop” for customers. This could equally apply to other road user charging schemes.

Q8. Do you have any other comments on the draft UK Air Quality Plan for tackling nitrogen dioxide?

- Whilst, the draft plan suggests that charging zones are to be considered as a last resort, planning effectively for these takes time and should not be treated as an “after thought”. Consideration should be given to the 3 “E” s **Engineering** (for instance

ensuring that people understand the signs and their locations are instructive), **Education** (publicity and awareness raising) and **Enforcement as a last resort**.

- Consideration to be given to the potential displacement of traffic to other areas thus increasing pollution levels elsewhere.

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PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 11th July 2017

Report of: The Director

Subject/Title: Litter Strategy for England 2017 and consultation “Review of Fixed Penalties for Environmental Offences and Introduction of Civil Penalties for Littering from Vehicles outside London.”

1. Report Summary

1.1 This paper provides a summary of the Litter Strategy for England 2017 and Consultation: Review of fixed penalties for environmental offences and introduction of civil penalties for littering from vehicles outside London.

2. Recommendation

2.1 To note the Litter Strategy for England 2017 and consultation “Review of Fixed Penalties for Environmental Offices and the Introduction of Civil Penalties for Littering from Vehicles outside London and PATROL’s response to the consultation (Appendix 1).

3. Reasons for Recommendations

3.1 For information

4. Financial Implications

4.1 None at this stage

5. Legal Implications

5.1 None at this stage

6. Risk Management

6.1 None at this stage

7.0 The Litter Strategy for England 2017

7.1 The Litter Strategy for England 2017 suggests that enforcement is necessary to change behaviour as well as education and awareness. Measures include reviewing the case for increasing fixed penalties for littering (and related offences), supporting councils in using new powers to issue fixed penalties for small-scale fly-tipping offences, promoting the use of Community Protection Notices to deal with business or individuals whose behaviour is

having a detrimental effect on the quality of life of those in the locality. Of relevance to PATROL and its member authorities is the proposal to regulate to allow English Councils to fine the keeper of vehicle from which litter is thrown.

- 7.2 Littering from vehicles is a criminal offence though councils report that it is difficult to identify the offender with sufficient certainty to take enforcement action.
- 7.3 Section 24 of the London Local Authorities Act 2007 (amended 2012) gives powers to London boroughs to issue penalty charge notices (PCNs) to the owner of a vehicle when an enforcement officer has reason to believe on the balance or probabilities, that litter was thrown from that vehicle.
- 7.4 Section 154 of the Anti-Social Behaviour, Crime and Policing Act 2014 amended the Environmental Protection Act 1990 so as to allow regulations to be made giving similar powers to local authorities in England outside London.
- 7.5 Subject to parliamentary approval, the Government intends to make Regulations which extend this approach to the rest of England.
- 7.6 The proposed introduction of civil penalties will not extend to litter dropped by pedestrians which will continue to be dealt with through fixed penalty notices.

8. Consultation: Review of Fixed Penalties for Environmental Offences and the Introduction of Civil Penalties for Littering from Vehicles Outside London.

- 8.1 The consultation “Review of Fixed Penalties for Environmental Offences and the Introduction of Civil Penalties for Littering from Vehicles Outside London” was launched in April 2017. The consultation is seeking views on the proposal to introduce a civil fine for littering from vehicles.
- 8.2 Section 154 of the Anti-Social Behaviour, Crime and Policing Act 2014 amends the Environmental Protection Act 1990 to introduce a new section 88A entitled “Littering from vehicles: civil penalty regime (“S88A). This section provides the power for regulations to be made in England to tackle littering from vehicles. The Government proposed to bring this power into force and introduce new regulations to allow councils outside London to also issue a civil penalty notice to the keeper of a vehicle from which litter is thrown, requiring the keeper to pay a civil penalty.
- 8.3 The consultation document suggests that Section 88A of the Anti-Social Behaviour, Crime and Policing Act 2014 provides that power to issue a civil penalty notice can only be conferred on those councils which are also responsible for keeping land and highways clear of litter and refuse under section 89 of the Environmental Protection Act 1990.
- 8.4 The consultation proposes to confer the civil powers on district or unitary councils outside London (although the draft regulations “The Littering from

Vehicles Outside London (Keepers: Civil Penalties) Regulations (Appendix 1) refers to a litter authority meaning:

- a) A district council in England
- b) A county council in England for an area for which there is no district council
- c) The council of the Isles of Scilly

- 8.5 The consultation document suggests that this will act as a deterrent because councils will be more likely to take enforcement measures and it may lead to a reduction in littering from vehicles and improvements in roadside amenity and safety.
- 8.6 The consultation document suggests that if it is possible for the council to identify the person who actually littered, it will still be able to issue a fixed penalty notice to that person, with the possibility of prosecution remaining if the fixed penalty is not paid. However, if the fixed penalty notice is issued, the council cannot also issue a civil penalty notice to the keeper of the vehicle for the same offence. If the keeper has already accepted and paid a civil penalty notice in respect of the offence, and subsequently the person who actually littered is identified, then the civil penalty notice should be cancelled and the keeper should be refunded.
- 8.7 The consultation document proposes that the civil penalty notice would be issued by post/email as well as in person but does not explain the detail of this.
- 8.8 The proposal will introduce a new default civil penalty payable equivalent to the existing fixed penalty (currently £75). It will also reflect the fixed penalty regime by giving councils the flexibility to select an alternative fine from a wider range (currently £50 to £80) although it is suggested that this could change following the consultation. This flexibility could include the ability to select an amount taking into account what they think is appropriate as regards the readiness of people in their area to pay and the levels of fines imposed on prosecution in local Magistrates' Courts.
- 8.9 The proposed regulations specify that a civil penalty notice must be paid within 28 days and it is proposed to introduce lower amount where payment is made within 14 days. The consultation proposes a "late payment notice" if the civil penalty is not paid in time or in full with the proposed civil penalty payable under the late payment notice (the "increased civil penalty") should be the civil penalty increased by 100%. If this civil penalty goes unpaid, then it becomes recoverable through the courts as a civil debt.
- 8.10 It is proposed that councils will be allowed to use their income from the new penalty notices on any of their functions. Councils will be obliged to publish information about their use of enforcement powers under the INSPIRE regulations and the Local Government Transparency Code.
- 8.11 It is proposed that, as in London, exemptions (where the passenger is the litterer) would include:

- The keepers of public service vehicles
- Taxis
- Private hire vehicles (including minicabs, Pedi cabs, rickshaws and Uber vehicles)

Unlike in London however, if it is possible to identify the passenger that was responsible for littering, then the offending passenger could still be issued with a fixed penalty for the littering offence.

8.12 The proposed grounds for appealing a civil penalty notice are:

- That the littering offence in question did not occur
- That the recipient of the civil penalty notice (the subject) was not the keeper of the vehicle at the time of the littering offence
 - Because the subject became the keeper of the vehicle after the littering offence occurred;
 - Because the subject had disposed of the vehicle to another person before the littering offence occurred; or
 - Because the vehicle was a stolen vehicle when the offence occurred.
- That the subject was not the keeper of the vehicle at the time of the littering offence because at that time:
 - The subject was engaged in the hiring of vehicles in the course of a business,
 - The vehicle was hired to another person under a hire agreement with the Subject, and
 - The hire agreement had the effect that the hirer was the keeper of the vehicle
- The subject was not the keeper of the vehicle at the time of the littering offence for another reason.
- The litter authority was not authorised to give the subject a penalty notice because it has already issued a fixed penalty (in lieu of prosecution) or prosecuted someone for the same littering offence.
- The subject is not liable to pay the civil penalty because of the exemption for public services vehicles et and the offence was committed by a passenger.
- Liability to pay the civil penalty has been discharged because a fixed penalty notice (in lieu of prosecution) is issued, or a prosecution for the same offence is begun before the civil penalty is paid.
- The civil penalty exceeds the amount payable under these Regulations

- The litter authority has failed to observe any requirement imposed on it by the Regulations in relation to the imposition or recovery of a fixed penalty, or
- There are compelling reasons why, in the particular circumstances of the case, the civil penalty notice should be cancelled (whether or not any of the other grounds apply)

8.13 The keeper will be able to make representations in writing against the civil penalty notice. Once the representations procedure is exhausted, the consultation explains that the Traffic Penalty Tribunal would act as the independent adjudicator for the civil penalty notice. Experience from Wandsworth Council suggests that appeal volumes per council will be low. 2014/15 saw six appeals (following the issue of 72 penalty charge notices) to London Tribunals and 2015/16 saw one.

8.14 The consultation ran until 18th June 2017. PATROL brought it to the attention of member authorities. The PATROL response is enclosed at Appendix 1.

9. References

Litter Strategy for England 2017

Review of Fixed Penalties for Environmental Offence and Introduction of Civil Penalties for Littering from Vehicles Outside London.

10. Access to Information

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

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APPENDIX 1

RESPONSE TO CONSULTATION

“Reducing litter: Penalties for environmental offences”

Introduction

On behalf of the PATROL Joint Committee and the Adjudicators of the Traffic Penalty Tribunal please find below background information in respect of the PATROL Joint Committee and the Traffic Penalty Tribunal and answers to the questions set out in the consultation document.

Background information

The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises 309 local authorities in England (outside London) and Wales. The functions exercised by the PATROL Adjudication Joint Committee on behalf of its constituent councils are appointing independent adjudicators to the Traffic Penalty Tribunal (subject to the consent of the Lord Chancellor) and providing these adjudicators with administrative staff and accommodation

The statutory function of the Adjudicators of the Traffic Penalty Tribunal is to hear and decide appeals brought against Penalty Charge Notices (PCNs) issued by authorities in England (outside London) and Wales that operate civil parking, bus lane and moving traffic enforcement under the Traffic Management Act 2004 and Transport Act 2000. Adjudicators also consider appeals against PCNs issued for failing to pay a charge at the Dartford-Thurrock river crossing (where the enforcement authority is the Secretary of State for Transport) and the Durham Peninsular under the Transport Act 2000. The tribunal’s adjudicators will also hear appeals against penalties issued in respect of charging Clean Air Zones (CAZ) introduced under the Transport Act 2000.

PATROL also represents its member authorities on traffic management issues of mutual interest to its members and promotes best practice in public information to increase public understanding of traffic management objectives.

PATROL, the Traffic Penalty Tribunal and Littering from Vehicles

Some of PATROL's member authorities have expressed an interest in civil enforcement to address littering from vehicles.

PATROL and the Traffic Penalty Tribunal can bring the experience of traffic appeals to inform the process of education and awareness, enforcement and appeals processes.

The Traffic Penalty Tribunal operates an award winning online appeal system which all member authorities access for the purpose of parking, bus lane, moving traffic and road user charging appeals. This system is easily adapted to accommodate other enforcement streams operated by local authorities which allows all appeals to be managed from a single bespoke local authority appeals dashboard, even if this is operated from different departments within local authorities.

PATROL has drawn the attention of its members to the consultation and authorities will also send individual responses. PATROL will develop a network of local authority officers to promote information sharing and best practice.

Draft Statutory Instrument

Environmental Protection England

The Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018

The consultation document included at Appendix C draft regulations for the purposes of civil enforcement of littering from vehicles. The Adjudicators of the Traffic Penalty Tribunal make the following observations.

- (i) Other civil enforcement regulations for parking, bus lanes, road user charging refer to "contraventions" rather than "offences". Consistency would be helpful, particularly as littering by pedestrians will still be enforced by fixed penalty notice.
- (ii) Other civil enforcement regulations have "penalty charge notices", (including London for littering from vehicles), the consultation document refers to civil penalty notices and the draft regulations to penalty notices. A consistent approach would be helpful to all parties.
- (iii) Whilst exemptions have been put in place for PSVs, taxis etc., there is no protection for the keeper who may have no control over the car or the actions of passengers.
- (iv) Clarity is required in respect of the arrangements for hire vehicles and the definition of hirer.
- (v) The Adjudicators welcome the inclusion of the ground of "compelling reasons" in Reg 11, Reg 13 (6).
- (vi) In other areas of civil traffic enforcement, there are time limits for the issue of penalty charge notices but none are mentioned here.

- (vii) Is it anticipated that civil enforcement officers would issue a penalty notice, for instance if the car is parked at the time the litter is jettisoned or will enforcement solely rely on cameras?
- (viii) Guidance may be required in terms of what is designated as “authorities land” or “local authority relevant highway” s89 (1) of the Environmental Protection Act 1990

The Adjudicators of the Traffic Penalty Tribunal have requested the opportunity to comment further on the draft regulations if the introduction of these powers progresses.

Responses to consultation questions relating to littering from vehicles

- 10. Do you agree with the proposed exemption for the keeper of public service vehicles, taxis and private hire vehicles when the littering offence is committed by a passenger?**

Yes. There are views amongst authorities that this will not deter passengers. Alternative means of educating passengers could be considered.

- 11. Should the regulations provide for any other exemptions from liability to pay civil penalty notice (as opposed to grounds for appeal against a civil penalty notice)?**

No. The inclusion of compelling reasons as a ground provides increased flexibility.

- 12. Should councils be able to use the income from civil penalties for littering from a vehicle in the same way as they can spend income from fixed penalties for littering offences?**

This is a matter for individual authorities.

- 13. Should the default amount payable under a civil penalty notice be equivalent to the default amount payable under a fixed penalty notice for a littering offence?**

No view

- 14. Do you agree that, to encourage prompt payment, a late payment notice is issued if the amount payable under the civil penalty notice is not paid within 28 days?**

Consideration will need to be given to the time taken to notify the keeper of the PCN.

- 15. Do you agree that the maximum increase civil penalty payable under a late payment notice should be the amount payable under the civil penalty notice increased by 100% (i.e. double the amount of the civil penalty notice)?**

Proportionality should be taken into account here. An excessive amount may reduce the likelihood of obtaining payment.

16. For local council respondents only: What impact would the introduction of civil penalty notices have on your council? Please consider both costs and benefits, and provide evidence to support your response.

A number of PATROL members have indicated that these powers would be helpful to deter littering from vehicles which is detrimental to the environment and communities and a drain on resources.

It is anticipated that there would not be high volumes of penalties issued however it is hoped that the introduction of civil enforcement would lead to a reduction in littering behaviour over the longer term thus reducing the costs of clearance and environmental impact.

17. For councils in London: We propose that the new powers should only be available to councils outside London, on the basis that London councils already have similar powers under the London Local Authorities Act 2007. Do you agree?

There is an argument for having a similar regime both inside and outside London to improve consistency and understanding for the motorist.

Contact:

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PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 11th July 2017
Report of: The Director
Subject/Title: PARC (PATROL Annual Report by Councils) Award 2015/16

1.0 Report Summary

- 1.1 To update the Joint Committee on the PARC (PATROL Annual Report by Councils) Awards and to confirm the arrangements for submissions for the 2016/17 award.

2.0 Recommendation

- 2.1 To note the shortlisted and winning councils for 2015/16
2.2 To note the arrangements for 2016/17 submissions

3.0 Reasons for Recommendations

- 3.1 To update the Joint Committee and raise awareness of the importance of annual reports in promoting understanding of the objectives of civil enforcement.

4.0 Financial Implications

- 4.1 Within agreed budget

5.0 Legal Implications

- 5.1 The Local Government Transparency Code 2015 requires certain information relating to parking provision and enforcement to be published. Extensions to reporting requirements have been the subject of a recent Department for Communities and Local Government consultation and the response to this is awaited. The Secretary of State's Statutory Guidance expects local authorities to produce annual reports.

6.0 Risk Management

- 6.1 None

7.0 Background and Options

- 7.1 PATROL introduced the PATROL Annual Report Award to coincide with the implementation of the Traffic Management in 2008. The aim was to raise public awareness and understanding of the objectives of civil parking enforcement.
- 7.2 The importance of transparency through the production of annual reports and accounts was a central recommendation of the Transport Select Committee enquiry into Local Authority Parking Enforcement in 2013, to which the Chief Adjudicator and Director gave evidence.
- 7.3 PATROL surveyed a sample of local authority officers and members and a key finding was that a toolkit or template would assist them in producing their report and would also lead to a more consistent approach in the reporting of service and enforcement statistics together with financial information.
- 7.4 In 2016, PATROL introduced the collection of key statistics on civil enforcement and appeals from member authorities to enable the development of a comprehensive aggregate view of civil enforcement in England (outside London) and Wales. This process will be streamlined through development on the PATROL website reported elsewhere.
- 7.5 In 2016, PATROL organised six regional workshops to roll out an annual report toolkit and provide advice on putting together a successful report which engages with the local community. Over 100 local authority officers from over 60 councils attended these events in Birmingham, Bristol, Llandrindod Wells, London, Manchester and York which were delivered by the Local Authority Engagement Manager. Feedback was extremely positive with many parking managers pointing to the importance of having the opportunity to meet, share ideas and best practice. A further programme of regional workshops is planned for September 2017.
- 7.6 Councils shortlisted for the PARC (Parking Annual Reports by Councils) Awards for 2015/16 include:

Ashford Borough Council
Brighton & Hove City Council
Chichester District Council
Devon County Council
Durham County Council
Mid Sussex District Council
South Lakeland District Council
South Tyneside
Worcester City Council

7.7 As well as the Best Overall Report and the Best Concise Report, the 2015/16 awards will also recognise councils that have demonstrated best practice reporting on:

- Innovation and new services
- Customer service
- Presentation of finance and statistics

7.8 David Rutley MP has once again kindly agreed to host a reception at the House of Commons on 11th July 2017 to recognise the shortlisted councils for 2014/15 and announce the winners.

7.9 This event will also see the launch a new award for authorities who harness the power of digital formats for annual reporting and engaging with their community.

7.10 The deadline for submissions to the PARC (Parking Annual Report by Councils) Award 2015/16 is **31st January 2018** with the shortlist being announced on **May 2018**

8.0 Recommendation

8.1 To note the shortlist for 2015/16 awards

8.2 To note the introduction of a new award for digital formats.

8.3 To note the arrangements for 2016/17 submissions

9.0 Access to Information

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

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10. Links to individual shortlisted annual reports

<http://www.ashford.gov.uk/download.cfm?doc=docm93jjm4n9234.pdf&ver=13342>

<http://www.brighton-hove.gov.uk/sites/brighton->

[hove.gov.uk/files/Parking%20annual%20report%202015%20to%202016.pdf](http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Parking%20annual%20report%202015%20to%202016.pdf)

<http://www.chichester.gov.uk/CHttpHandler.ashx?id=27743&p=0>

https://devoncc.sharepoint.com/sites/PublicDocs/Highways/_layouts/15/guestaccess.aspx?guestaccesstoken=G4xRQu6LXV7H4KqMAAEfIZLnwAs7anHETHlXbcWHsBs%3d&docid=0d141ce6ef95d4569b35dd4b00f724891&rev=1

<http://www.durham.gov.uk/media/13632/Civil-Parking-Enforcement-Annual-Report-201516/pdf/CivilParkingEnforcementAnnualReport2015-2016.pdf>

<http://www.midsussex.gov.uk/media/78483/main-report-2015-2016.pdf>

https://www.southlakeland.gov.uk/media/2818/parkingannualreport_dec2016_st.pdf

<https://www.southtyneside.gov.uk/media/32604/Parking-Annual-Report-2015-16/pdf/Parking Annual Report 2015 - 16>

<https://www.worcester.gov.uk/documents/10499/16013/Parking+and+Enforcement+Services+Annual+Report+2015-2016.pdf/531b91fc-81bb-9e17-d6e8-16fac93de5e5>