

**PATROL ADJUDICATION JOINT COMMITTEE**

**Agenda**

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**Date:** Tuesday 13<sup>th</sup> July 2021

**Time:** 11.00 am

**Venue:** TEAMS/CHURCH House, Dean's Yard, London, SW19 3NZ

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**1. Appointment of Chair, Vice Chair, Assistant Vice Chair and Assistant Chair (Wales)**

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

**2. Apologies for Absence**

To receive apologies for absence.

**3. Declarations of Interest**

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

**4. Minutes of the meeting held 16<sup>th</sup> July 2019**

To approve the minutes of the PATROL Adjudication Joint Committee held 16<sup>th</sup> July 2019 (enclosed).

**5. Minutes of the meeting held 28<sup>th</sup> July 2020**

To note the minutes of the PATROL Adjudication and Bus Lane Adjudication Service Joint Committees' Resources Sub Committee meeting held 28<sup>th</sup> July 2020  
Item 16

**6. Minutes of the meeting held 26th January 2021**

To note the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held 26<sup>th</sup> January 2021 (enclosed).

**7. Chair's Update**

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

**8. Chief Adjudicator's Update**

To receive an update from the Chief Adjudicator

**9. Wales Update (enclosed)**

To note the progress of civil enforcement regulations in Wales (enclosed).

**10. Draft Annual Return 2020/21**

To approve the draft annual return and note supporting documentation (enclosed)

## **Items common to PATROL and Bus Lane Adjudication Service Joint Committee**

### **11. Establishment of Executive Sub Committees**

To establish Executive Sub Committees and appoint members for the period until the annual meeting of the Joint Committee in July 2022 (enclosed).

### **12. Report of the PATROL and BLASJC Resources Working Group**

To report on the PATROL and BLASJC Resources Working Group which met on 25<sup>th</sup> March 2021 and 24<sup>th</sup> June 2021 and to approve the updated Terms of Reference (enclosed).

### **13. General Progress Report**

To provide general information in respect of appeals activity and tribunal initiatives during 2020/21 and the year ahead (enclosed).

### **14. Public Affairs Report**

To note the Public Affairs report during 2020/21 (enclosed).

### **15. Risk Management Strategy**

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

### **16. Review of Governance Documentation**

To review governance matters and documentation (enclosed).

### **17. Appointments to the Advisory Board**

To approve appointments to the Advisory Board for the period until the annual meeting of the Joint Committee in July 2022 (enclosed).

### **18. PATROL PACER (Promoting Awareness of Civil Enforcement through Report) Awards**

To note that the awards have been deferred to October 2021.

### **19. Pavement Parking in England**

To encourage members to raise awareness of issues caused by the delay to the introduction of pavement parking powers in England.

### **20. Date of next meeting Thursday 14<sup>th</sup> October 2021**

**AGENDA ISSUED 5<sup>th</sup> July 2021**

Minutes of a meeting of the

## **PATROL Adjudication Joint Committee**

held on Tuesday, 16th July, 2019 at Bishop Partridge Hall, Church House,  
Dean's Yard, London SW19 3NZ

### **PRESENT**

Councillor Stuart Hughes (Devon County Council) in the Chair

### **Councillors**

Councillor Mark Smith - Blackpool Council  
Councillor Chris Turrell - Bracknell Forest Borough Council  
Councillor Anne Pissaridou - Brighton & Hove City Council  
Councillor Colin Hutchinson – Calderdale Metropolitan Borough Council  
Councillor John James - Carmarthenshire County Council  
Councillor Margaret Smidowicz - Charnwood Borough Council  
Councillor Marilyn Peters - Dartford Borough Council  
Councillor Brian Garden - Dartford Borough Council  
Councillor Jeanette Stephenson – Durham County Council  
Councillor Mike Eyles - Eden District Council  
Councillor Marje Paling - Gedling Borough Council  
Councillor Nigel Knapton - Hambleton District Council  
Councillor Graham Burgess - Hampshire County Council  
Councillor Vanessa Churchman – Isle of Wight Council  
Councillor Bob Adams - Lincolnshire County Council  
Councillor Peter Davis - Oldham Metropolitan Borough Council  
Councillor Tony Page - Reading Borough Council  
Councillor John Woodman - Somerset County Council  
Councillor Dan Brown - South Hams District Council  
Councillor Alan Kerr - South Tyneside Council  
Councillor Lee Wanger - Stoke on Trent City Council  
Councillor Geoff Driscoll - Uttlesford District Council  
Councillor Vera Waters - Walsall Council  
Councillor Kevin Anderson - Wigan Metropolitan Borough Council  
Councillor Simon Cronin - Worcester City Council  
Councillor Martin King - Wychavon District Council

### **Officers in attendance**

Marc Samways – Chair Advisory Board (Hampshire County Council)  
Graham Addicott OBE – Vice Chair Advisory Board  
Jo Abbott - PATROL Advisory Board  
George Broughton - PATROL Advisory Board  
Paul Nicholls - PATROL Advisory Board  
Charles Field - Brighton & Hove City Council  
Keith Moyles - Knowsley Metropolitan Borough Council  
Tim Thrustle - East Ridings of Yorkshire Council

Richard Waters - Carmarthenshire County Council  
Caroline Sheppard OBE - Traffic Penalty Tribunal  
Stephen Knapp - Traffic Penalty Tribunal  
Louise Hutchinson - PATROL  
Sarah Baxter - Cheshire East Council  
Julie North - Cheshire East Council  
Erica Maslen - PATROL  
Patrick Duckworth Traffic Penalty Tribunal  
Iain Worrall - Traffic Penalty Tribunal  
Andy Diamond - PATROL

Prior to the start of the meeting the Chairman asked Members and Officers to introduce themselves.

## **1 APPOINTMENT OF CHAIR, VICE CHAIR AND ASSISTANT VICE CHAIR**

Consideration was given to the appointment of the Chair, Vice-Chair, Assistant Vice-Chair and the Assistant Vice-Chair (Wales), this latter appointment to run until the next meeting.

### **RESOLVED**

That the approval be given to the following appointments:

- Chairman – Councillor Stuart Hughes (Devon County Council)
- Vice-Chair - Councillor Martin King (Wychavon District Council)
- Assistant Vice-Chair - Terry Douris (Dacorum Borough Council)
- Assistant Vice-Chair (Wales) - Councillor John James (Carmarthenshire County Council)

## **2 APOLOGIES FOR ABSENCE**

Apologies for absence from the following Councils were reported:

Councillor Chris Lamb - Barnsley Metropolitan Borough Council  
Councillor Neil Butters – BATHNES Council  
Councillor Tim Swift - Calderdale Metropolitan Borough Council  
Councillor Eileen Lintill - Chichester District Council  
Councillor Patricia Hetherton - Coventry City Council  
Councillor Geraint Thomas - Crawley Borough Council  
Councillor David Airey - Eastleigh Borough Council  
Councillor Terry Douris - Dacorum Borough Council  
Councillor Nigel Collor - Dover District Council  
Councillor Graham McAndrew - East Hertfordshire District Council  
Councillor Trevor Maroney - East Hampshire District Council  
Councillor Chris Matthews - East Ridings of Yorkshire Council  
Councillor Greg Hall - East Staffordshire Borough Council  
Councillor Trevor Cartwright - Fareham Borough Council  
Councillor Phil Bibby - Hertfordshire County Council

Councillor Shelley Powell - Knowsley Metropolitan Borough Council  
Councillor Brennan - Knowsley Metropolitan Borough Council  
Councillor Michael Brookes - Lincolnshire County Council  
Councillor Ted Lathom - Neath Port Talbot County Borough Council  
Councillor Steve Clarke - New Forest District Council  
Councillor Edward Heron - New Forest District Council  
Councillor Roger Jeavons - Newport City Council  
Councillor Anthony Brand - North Kesteven District Council  
Councillor Margot McArthur - Sevenoaks District Council  
Councillor Ian Shenton - Stratford on Avon District Council  
Councillor Graham Alleway - Surrey Heath Borough Council  
Councillor Eddie Thomas - Swale Borough Council  
Councillor Tim Valentine - Swale Borough Council  
Councillor Stephen Giles-Medhurst - Three Rivers District Council  
Councillor Steve Adshead - Trafford Metropolitan Borough Council  
Councillor Alan McDermott - Tunbridge Wells Borough Council  
Councillor Adam Yates - West Lancashire Borough Council  
Councillor Julie McManus - Wirral Metropolitan Borough Council

### **3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **4 MINUTES OF THE MEETING HELD ON 10 JULY 2018**

#### **RESOLVED**

That the minutes of the meeting held on 10 July 2018 be approved as a correct record.

### **5 MINUTES OF THE MEETING HELD ON 30 JANUARY 2019**

#### **RESOLVED**

That the minutes of the meeting held on 30 January 2019 be noted.

### **6 CHAIRMAN'S UPDATE**

The Chairman welcomed new Members and hoped that they would take advantage of the introductory workshop being held after lunch. He also welcomed officers who were present at the meeting.

As the incoming Chairman of PATROL, he wished to formally record the Joint Committee's thanks to Jamie Macrae who chaired the PATROL Joint Committee from 2013 and steered PATROL through the move from Manchester City Council to Cheshire East Council as Host Authority in that year.

The Chairman went on to say that PATROL fulfilled a statutory duty to make provision for independent adjudication. This was undertaken

through the Traffic Penalty Tribunal. In addition, PATROL undertook initiatives to support its local authority members and raise awareness of the objectives of civil enforcement whilst also taking into account the motorist's perspective as seen through appeals to the Traffic Penalty Tribunal.

During 2018/19 PATROL undertook a range of initiatives and sought to keep Members and Officers abreast of matters of interest through regular bulletins and regional local authority workshops. This year particular emphasis was placed on the issue of pavement parking that affected many local authorities including his own. Members and officers attended a series of three workshops to discuss the challenges and potential solutions which were also attended by the Policy Advisor from the Department for Transport. Councillor J Macrae, the Director Louise Hutchinson and Chief Adjudicator Caroline Sheppard OBE met with the then Minister, Jesse Norman, to feedback from these workshops. More recently PATROL made a submission to the Transport Committee's Inquiry into Pavement Parking and the Director gave oral evidence on a local authority panel. Copies of the PATROL submission were provided in the packs today and the recommendations from the Transport Committee were awaited.

Huw Merriman MP for Bexhill and Battle, a member of the Transport Committee, had kindly offered to host the PATROL's Annual Report or PARC Awards later in the afternoon and many of the Members and Officers would be attending in order to recognise the shortlisted authorities. The Transport Committee in its last inquiry into civil parking enforcement called for increased transparency by authorities and PATROL's work in this area aimed to dispel myths and improve the public's understanding of both parking provision and the enforcement regime.

The Chairman reported that Members would be hearing from the Chief Adjudicator on appeals to the Traffic Penalty Tribunal which had been cited as a role model for other judicial bodies who are looking to introduce digital processes that focus on the user experience.

## **RESOLVED**

That the Chairman's update be noted.

## **7 CHIEF ADJUDICATOR'S UPDATE**

Caroline Sheppard OBE on behalf of the adjudicators echoed the sentiments in respect of Jamie Macrae. She thanked him for his role in assisting with the move of the PATROL headquarters from Manchester city centre to Wilmslow.

The introduction of the online digital system had resulted in immediate savings. She explained that in addition to dealing with parking fines adjudicators also looked at dealing with penalty notices in respect of the

Dartford-Thurrock River Crossing and the Mersey Gateway Bridge Crossing alongside bus lane appeals which the deputy adjudicator dealt with.

Recently adjudicators from all over the country had, in smaller groups met to look at decision making. A questionnaire was circulated to all Council's requesting examples of decisions that were helpful, decisions that were not understood and any examples of inconsistent decisions. Only sixteen Local Authorities responded and out of the sixteen only three produced one case of inconsistency.

The new online digital system had been a case study for the judicial world. No other judicial body had a system like it and it was seen as exemplar. The new system had enabled administration tasks to be significantly reduced with the appeals team being given the opportunity to assist appellants who were unable to use the online digital system.

In terms of 'hotspots' whereby there were areas with a high number of penalties, the question was asked as to how Council's dealt with these situations. In response it was stated that adjudicators did undertake site visits to those areas where there was an issue, as a result of an adjudicator's decision, changes to signage were often made. Had the signage been correct in the first instance then there may well not have been as many penalties issued.

## **RESOLVED**

That the Chief Adjudicator's update be noted.

## **8 WALES UPDATE**

The Director of PATROL reported that the following councils had commenced civil parking enforcement: -

Caerphilly County Borough Council: April 2019  
Monmouthshire County Council: April 2019  
Blaenau Gwent County Borough: Council June 2019  
Newport City Council: July 2019  
Torfaen County Borough Council July 2019

This meant that all local authorities in Wales were now in the civil scheme. The Traffic Penalty Tribunal held a workshop in Abergavenny in April to explain the adjudication processes and online appeal system, FOAM (Fast Online Appeals Management).

The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County of Carmarthenshire) Designation Order 2018 had been brought into force. Carmarthenshire County Council commenced enforcement in March 2019. There were now two authorities undertaking civil enforcement of moving traffic powers (Cardiff Council and

Carmarthenshire County Council). Swansea Council was undertaking civil bus lane enforcement.

Turning to air quality matters, Cardiff and Caerphilly councils were asked to submit feasibility study reports to the Welsh Government by the end of June 2019 outlining action that they would take to achieve legal limits for nitrogen dioxide in the shortest possible time frame.

## **RESOLVED**

That the update be noted.

## **9 DRAFT ANNUAL RETURN 2018/19**

The draft annual return and its supporting documents were considered.

It was commented that the draft return reflected an excellent set of results and that employees and adjudicators should be congratulated

## **RESOLVED**

1. That the outturn position against the 2018/19 budget, shown at Appendix 1 of the report, be noted.
2. That approval be given for the surplus of income over expenditure of £281,670 (which excludes £326,646 combined Highways England (Dartford-Thurrock River Crossing) and Halton Borough Council (Mersey Gateway Bridge Crossing surpluses) being added to the Joint Committee's reserves.
3. That the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2019.
4. That approval be given to the 2018/19 draft Annual Return, and that the balance sheet, cash flow and audit timetable, shown as appendices 2, 3 and 4 of the report, be noted.
5. That the Annual Internal Audit Report 2018/19, shown as Appendix 5 of the report, be noted.
6. That approval be given to the revised Financial Regulations for 2018/19, shown as Appendix 6 of the report.
7. That approval be given to the revised Scheme of Financial Delegation, shown as Appendix 7 of the report.
8. That approval be given to the revised Code of Corporate Governance, shown as Appendix 8 of the report.

## 10 RESERVES POLICY

Consideration was given to the Reserves Policy Statement for the Joint Committee for 2019/20.

A comment was made that the approach to include percentages was welcomed, however there was a concern that duplication of costs could occur. The Director explained the purpose of the Premises Reserve which only takes into account the lease beyond the current financial year. Members welcomed the additional reserves included to protect the Local Authority in respect of the lease for the building where PATROL were based.

### RESOLVED

1. That approval be given to the proposed changes as detailed in sections 7.3, 7.4, 7.6 and 8 to the Reserves Policy Statement resulting from discussions at the Joint Committee Executive Sub Committee meeting in January 2019.
2. That approval be given to the balances of any surplus from 2018/19 being carried forward to 2019/20.
3. That approval be given to the drawing down of the Technology Reserve to the Director to the value of 10% of budget as required during 2019/20 on the basis that this expenditure will be reported to the Joint Committee's Resources Working Group and Sub Committee.
4. That approval be given to the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from PATROL Free Reserves to meet budgetary deficits.

## 11 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEES

This report sets out arrangements for each Joint Committee to establish an Executive Sub-Committee, and its Terms of Reference for the coming year.

### RESOLVED

1. That each Joint Committee establishes an Executive Sub-Committee to act on behalf of the Committee until the annual meeting in July 2020, in accordance with paragraph 2 and Appendix 1 to this report, and that it appoints members of the Executive Sub-Committee for the forthcoming year.
2. That the first meeting of the Executive Sub Committees will be held on 29 October 2019 in London.

3. That reasonable travel expenses may be claimed for attending Executive Sub Committee meetings in accordance with the policy at Appendix 2.

## **12 REPORT OF THE PATROL AND BLASJC RESOURCES WORKING GROUP**

The Committee considered the report of the PATROL and BLASJC Working Group meetings held on 2 April and 18 June 2019. The majority of the matters considered at those meetings were now reported in more detail elsewhere on the agenda.

### **RESOLVED**

1. That the matters discussed at the meeting held 2 April and 18 June 2019 be noted.
2. That the Terms of Reference for 2019/20, shown as Appendix 1 be noted.
3. That approval be given to the Resources Sub Committee and Working Group overseeing matters highlighted in the report and reporting back to the next meeting of the Joint Committees or their Executive Sub Committees.

## **13 GENERAL PROGRESS REPORT**

For the benefit of new members this provided some background to the Traffic Penalty Tribunal and the development of the FOAM system with details of hearing volumes, the velocity of appeal closure and support provided to appellants who chose to use an off line method. The information provided included year on year trends for comparison.

### **RESOLVED**

That the progress report be noted.

## **14 PUBLIC AFFAIRS REPORT**

Consideration was given to a detailed overview of public affairs activity in 2018/19 and on that planned for the coming year.

Comments were made in respect of vehicles parking too close to junctions as well as vehicles parking in cycle lanes and whether or not this was an offence.

In response the Chief Adjudicator offered to email Members the relevant section of the statute.

### **RESOLVED**

That the report be noted and that the Resources Working Group and Sub-Committee monitor the activity and report to meetings of the Executive Sub-Committee.

## **15 RISK MANAGEMENT STRATEGY**

The Committee considered the current assessment of risk.

### **RESOLVED**

That the current assessment of risk be noted.

## **16 REVIEW OF GOVERNANCE DOCUMENTATION**

Consideration was given to the governance documentation and arrangements for its review.

Delegations to the Chief Adjudicator and the Director were set out and these clarified the role and independence of the Adjudicators.

It was proposed that the cycle of meetings for the coming year be as follows:

29th October 2019  
28th January 2020  
14th July 2020

### **RESOLVED**

That the Joint Committees:

- i) Noted the update in relation to the review of the Main Agreements.
- ii) Noted the unchanged Schemes of Delegation to the Chief Adjudicator and the Director.
- iii) Approved the updated Memorandum of Understanding between the Adjudicators and the Joint Committee (Appendix 3-see Section 4).
- iv) Appointed persons to fulfil the function of the proper officer under the relevant regulations.
- v) Noted the proposed cycle of meetings for 2019/20, as reported above.

## **17 APPOINTMENTS TO THE ADVISORY BOARD**

Members considered the Terms of Reference for the Advisory Board.

## **RESOLVED**

1. That the Terms of Reference and composition of the Advisory Board, as set out in the Appendix to the report, be approved.
2. That George Broughton, Cheshire East Council, Pat Knowles, South Lakeland Council and Ian Hughes, Calderdale Council be re appointed to the Advisory Board for the four-period to July 2023.

## **18 PATROL PARKING ANNUAL REPORTS BY COUNCILS (PARC) AWARDS**

This report set out the background to the awards and detailed the shortlist of authorities due to attend the ceremony in the House of Commons later that afternoon to be hosted by Huw Merriman MP for Bexhill and Battle.

The Councils shortlisted were: Brighton & Hove City Council, Cheshire East Council, Devon County Council, Durham County Council, Newcastle City Council, North Essex Parking Partnership, Sedgemoor District Council, South Lakeland District Council and Sunderland City Council

For 2018/19 reports the deadline for submissions had been set at 31 January 2020.

It was queried as to who decided which Council's would be shortlisted for an award. In response the Director confirmed that an independent Review Group was established comprising a retired Traffic Management Engineer, an independent member from the Advisory Board, a representative from the British Parking Association, the RAC Foundation and a PR consultant. This group looked at a number of matters based on the five step approach in the toolkit together with how user friendly the report and taking into account the various award categories.

## **RESOLVED**

That the shortlisted councils, and arrangements for the 2018/19 submissions be noted.

Prior to the close of the meeting the Director for PATROL, Louise Hutchinson stated that an optional workshop for new Members was taking place at 1.15pm and that it would be a good opportunity to introduce PATROL and the Traffic Penalty Tribunal to new members.

On behalf of the Joint Committee, she also expressed her thanks to Julie North who had serviced the Committee since 2013 and whose retirement was imminent.

The meeting commenced at 11am and concluded at 12.31pm.

Minutes of a virtual meeting of the  
**PATROL and Bus Lane Adjudication Service Joint Committee**  
**Resources Sub Committee**  
Held on Tuesday 28 July 2020

## **PRESENT**

Cllr Stuart Hughes (PATROL Chair), Devon County Council  
Cllr Martin King (PATROL Vice Chair), Wychavon District Council  
Cllr Terry Douris (PATROL Assistant Chair), Dacorum Borough Council,  
Cllr Tony Page, (BLASJC Chair), Reading Borough Council  
Marc Samways (Chair of Advisory Board), Hampshire County Council  
Graham Addicott OBE, (Vice Chair of Advisory Board)  
Paul Nicholls (Member of Advisory Board), Brighton & Hove City Council  
Caroline Sheppard OBE, Chief Adjudicator  
Iain Worrall, Traffic Penalty Tribunal  
Louise Hutchinson, Director PATROL  
Erica Maslen, PATROL  
Rachel Graves – Cheshire East Council (minutes)

### **1. Apologies**

Apologies were received from:

Cllr John James (PATROL Assistant Chair Wales), Carmarthenshire County Council

### **2. Declarations of Interest.**

No declarations of interest were made.

### **3. PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee Draft Annual Return for the Year 2019/20**

The Draft Annual Return would have normally been approved at the Annual Meeting of the Joint Committee in July. However due to Covid-19, and in consultation with the Chair and External Auditors, it was determined that the Joint Committee's Resources Sub Committee would approve the draft Annual Return for 2019/20.

The Report and Appendix 1 set out the expenditure and income for 2019/20. Expenditure for 2019/20 was lower than budgeted by £260,583 (8%), whilst Income was £122,981 (3.5%) adverse to the budget. The Outturn for PATROL was a surplus of £169,537. It was proposed that this surplus be added to the Joint Committee's reserves.

Internal Audit was provided by Cheshire East Council. A copy of the Internal Audit Report for 2019/20 had been circulated in the agenda. The level of assurance for 2019/20 was confirmed as 'Good'. The Committee noted the four recommended actions, which were detailed in Appendix A to the Internal Audit Report.

**RESOLVED:** That the Sub Committee

- 1 note the outturn position against the 2019/20 budget included within the report (Appendix 1), which is subject to audit validation.
- 2 approve the surplus of income over expenditure of £169,537 being added to the Joint Committee's reserves, which excludes £157,265 being the total of Highways England (Dartford-Thurrock River Crossing) and Halton Borough Council (Mersey Gateway Bridge Crossing) surpluses which are ring-fenced to those charging authorities respectively.
- 3 determine that the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2020.
- 4 approve the 2019/20 draft Annual Return (Appendix 2), note the balance sheet and cash flow (Appendix 3) and the audit timetable.
- 5 note the Annual Internal Audit Report 2019/20 (Appendix 4).

**4. Bus Lane Adjudication Service Joint Committee Draft Annual Return for the Year 2019/20**

The Sub Committee considered Draft Annual Return for the Bus Lane Adjudication Service Joint Committee.

The Report and Appendix 1 set out the Expenditure and Income for 2019/20. Expenditure was higher than budgeted by £113,394 (24.1%), which was due to higher than anticipated recharge for costs from PATROL, in turn due to a higher than anticipated proportion of PCNs issued. Income was also higher than budget - £118,104 (23.5%), due to the higher than anticipated number of PCNs issued. Bank interest continued to out-perform budgetforecast giving rise to a positive variance of £1,881.

The Outturn for 2019/20 was a surplus of £35,666. It was proposed that this surplus be added to the Joint Committee's reserves.

**RESOLVED:** That the Sub Committee

- 1 note the outturn position against the 2019/20 budget included within the report (Appendix 1), which is subject to audit validation.
- 2 approve the surplus of income over expenditure of £35,666 being added to the Joint Committee's reserves.
- 3 determine that the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2020.
- 4 approve the 2019/20 draft Annual Return (Appendix 2), notes the balance sheet (Appendix 3) and cash flow (Appendix 4).

5 note the Annual Internal Audit Report 2019/20 reported under the previous item.

The Chair confirmed that the draft accounts for 2019/20 were now approved and that the final audited accounts would be presented to the meeting of the Executive Sub Committee in October 2020.

The meeting commenced at 10.45 am and concluded at 10.58 am

Minutes of a virtual meeting of the

## **PATROL Adjudication Joint Committee Executive Sub Committee**

held on Tuesday, 26th January, 2021

### **PRESENT**

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

### **Councillors**

Councillor Neil Butters BATHNES Council  
Councillor Chris Turrell Bracknell Forest District Council  
Councillor Steve Davis Brighton & Hove City Council  
Councillor Colin Hutchinson Calderdale Metropolitan Borough Council  
Councillor Laura Crane Cheshire East Council  
Councillor Terry Douris - PATROL Assistant Chair, Dacorum Borough Council  
Councillor Jeannette Stephenson Durham County Council  
Councillor Graham McAndrew East Herts District Council  
Councillor Mike Eyles Eden District Council  
Councillor Marje Paling Gedling Borough Council  
Councillor Graham Burgess - Vice Chair BLASJC, Hampshire County Council  
Councillor Phil Bibby Hertfordshire County Council  
Councillor Vanessa Churchman Isle of Wight Council  
Councillor Roger Jeavons Newport City Council  
Councillor Adele Williams Nottingham County Council  
Councillor Peter Davies Oldham Metropolitan Borough Council  
Councillor Tony Page - Chair BLASJC, Reading Borough Council  
Councillor John Woodman Somerset County Council  
Councillor Dan Brown South Hampshire District Council  
Councillor Peter Robinson Tameside Metropolitan Borough Council  
Councillor Geoff Driscoll Uttlesford District Council  
Councillor Vera Water Walsall Council  
Councillor Simon Cronin Worcester City Council

### **Officers in attendance**

Graham Addicott OBE	Vice Chair PATROL Advisory Board
Sarah Baxter	Cheshire East Council
Dana Bourne	Highways England
Andy Diamond	PATROL
Louise Hutchinson	PATROL
Erica Maslen	PATROL

Paul Nicholls	PATROL Advisory Board (Brighton & Hove City Council)
Laura Padden	PATROL
Marc Samways	PATROL Advisory Board
Caroline Sheppard OBE	Chief Adjudicator, Traffic Penalty Tribunal
Rob Shoebridge	Derby City Council
Richard Waters	Carmarthenshire County Council
Iain Worrall	Traffic Penalty Tribunal

### **Councillors observing**

Councillor Matt Furniss, Surrey County Council  
 Councillor Jackie Taylor, Sandwell Metropolitan Borough Council

## **12 APOLOGIES FOR ABSENCE**

Apologies for absence were received from:-

Carmarthenshire County Council, City of York Council, Coventry City Council, Hambleton District Council, Havant Borough Council, Stratford District Council, Sevenoaks District Council, Sunderland City Council and Wychavon District Council.

In addition apologies were received from George Broughton, Cheshire East Council.

## **13 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **14 MINUTES OF THE MEETING HELD 13 OCTOBER 2020**

### **RESOLVED**

That the minutes of the virtual meeting held on 13 October 2020 be approved as a correct record.

In respect of page 9 of the minutes – ‘Appointments to the Advisory Board’, the Director of PATROL reported the Sub Committee had appointed additional representatives to the Advisory Board and that a representative from Leeds City Council had been appointed to the Board in respect of their Clean Air Zones. However due to improvements in the air quality in Leeds the decision had been made not to introduce a charge in Clean Air Zones. As a result it was requested that the Assistant Director Chris Major of BATHNES be appointed to the Advisory Board until 2024. It was reported that BATHNES were one of the first Councils to introduce charges to Clean Air Zones.

### **RESOLVED**

That the appointment of Chris Major of BATHNES to the Advisory Board for a period of four years until the Joint Committees’ annual meeting in July 2024 be approved.

## 15 CHAIR'S UPDATE

The Chairman reported that despite the continuing restrictions arising from the pandemic, developments in the Traffic Management landscape continued at pace and the Sub Committee would be hearing about the imminent introduction of Charging Clean Air Zones over the next few months. Bath and North East Somerset Council were the first council followed in June by Birmingham City Council with more authorities to follow.

In 2021 it was anticipated that there would be the introduction of moving traffic powers for local authorities. At this stage it was unclear what the scope of the changes would be and whether this would include bus lane enforcement being taken under the umbrella of the Traffic Management Act 2004. Members would be kept informed as and when information was forthcoming.

The availability of video conferences meant that local authority engagement continued. The "Leading the Charge" Electric Vehicle Workshop in November, was attended by over 100 delegates, and was a great opportunity to hear about funding and support available to introduce charging infrastructure, the experience of local authorities across the country and considerations of appeals to the independent adjudicator. The Chairman was extremely grateful to those authorities that shared their local experiences and he commended Iain Worrall on organising the event.

A further workshop was held last week on producing Annual Reports and the introduction of the new PACER Awards – PACER standing for Promoting Awareness of Civil Enforcement through Reporting and providing support through the recently launched Annual Report Toolkit. Delegates gave positive feedback on the year on year development of the toolkit to support councils. Video Conferences had also proved helpful for providing introductions for Councillors newly nominated to the Joint Committee and it was hoped that these would become a permanent fixture.

In Wilmslow, preparations were being made to move to the new smaller office hub in the town next month. As reported in October, staff had been able to work effectively on a remote basis during the pandemic. This would continue but with, pandemic permitting, the opportunity to meet and collaborate in the new office hub. The Chairman took the opportunity to thank the Officers of Cheshire East Council for making arrangements for the new lease and to PATROL's Erica Maslen for overseeing the move.

At the October meeting it was reported that the search was underway for a new PATROL Director in the light of Louise's retirement. The Chairman reported that following a rigorous recruitment process and an extremely strong field of candidates, Laura Padden had been appointed to the post. Laura would be starting in the middle of February and brought a wealth of experience both from her current role as Head of Support Services at London Tribunals and also her previous roles in parking and traffic management at Lancashire County Council.

Laura was present at the virtual meeting and introduced herself to the Sub Committee.

The Chairman offered his thanks to everyone involved in the recruitment process particularly Graham Addicott OBE Vice Chairman of the Advisory Board who brought his considerable experience to the exercise.

Caroline Sheppard OBE, the Chief Adjudicator attended the virtual meeting and gave a verbal update. She welcomed Laura to the TPT and PATROL and her wealth of experience made her an outstanding candidate. Members were informed that this was the last Joint Committee before the Director of PATROL, Louise Hutchinson would be retiring. On behalf of the Sub Committee Caroline gave her appreciation and thanks to Louise for all her achievements and hard work over the years her and that she would be greatly missed.

In addition Caroline reported that Stephen Knapp, the Deputy Chief Adjudicator had tested positive for Covid. On behalf of the Sub Committee she wished him a speedy recovery.

Further to this she gave an update in respect of matters relating to the reduction in the number of appeals due to the pandemic, the work of the adjudicators and how the process could be improved, the use of technology by the public and the training required, the technical arrangements in respect of the new system for Clean Air Zones, including training a small team of adjudicators to take on the work generated. It was acknowledged there was the potential for a significant number of appeals to come forward but it was felt that the tribunal was well prepared and that adjudicators would be trained using a number of experts via webinars.

On behalf of the Sub Committee the Chairman also extended his thanks and appreciation to Louise for her assistance over the years. In response Louise thanked all of the Members and officers for their support over the years and wished her replacement Laura Padden and the Sub Committee the best of luck for the future.

## **RESOLVED**

That the updates be noted.

## **16 WALES UPDATE**

Consideration was given to a written update from Wales.

On behalf of the Assistant Chair (Wales), Councillor James of Carmarthenshire County Council who had submitted his apologies, the Director of PATROL provided a summary on the following issues:-

Civil Parking Enforcement (CPE);  
Pavement Parking;  
Moving Traffic Enforcement;  
Clean Air Zones;  
Regional Transport Planning

A number of matters were raised in relation to pavement parking including the point that without pavement parking emergency vehicles wouldn't be able to access certain streets, that enforcement of pavement parking should not be left to the Police, the definition of pavement parking, the necessity to adopt a 'pragmatic

and 'common sense' approach, changes to planning legislation to allow for the provision of additional parking, introduction of more herringbone parking, limits on heights of vehicles parking on pavements and that enforcement should be a priority.

## **RESOLVED**

That the update be noted.

### **17 BUDGET MONITORING 2020/21**

The Director of PATROL introduced the report presenting the income, expenditure and reserves monitoring information for the year to 30 November 2020.

The Tribunal operated on a self-financing basis with income obtained from defraying expenses amongst the Joint Committee member authorities. The revenue budget estimate was established by the Joint Committee for 2020/21 on the basis that this would reflect the councils who were already members of the Joint Committee. The Joint Committee forecasting model took account of recent income trends (i.e. within the last 12 months).

Additional income was derived from recharges to the Bus Lane Adjudication Service Joint Committee, Highways England and Halton Borough Council, giving together with PATROL, a total of four appeal streams.

The Joint Committee's forecasting model took into account the recent income trends (i.e. within the last 12 months). The budget had been set prior to the introduction of Covid-19 national lockdown measures in April and the subsequent effect on enforcement activity.

The detailed monitoring position was shown on page 16 of the agenda. Eight months into the financial year, the overall deficit was £598,077 compared to a forecast surplus of £137,198 giving an adverse variance to budget of £735,275.

Questions were asked in respect of whether there was enough in the reserves to manage, staffing and whether or not anyone had been made redundant or furloughed and what impact this might have on the budget.

## **RESOLVED**

That the income and expenditure and reserves at 30 November 2020 be noted.

### **18 REVENUE BUDGET 2021/22**

Consideration was given to a report requesting the Committee to adopt the revenue budget estimates for 2021/22.

In accordance with the Joint Committee's agreement, it was necessary to establish a budget estimate for the forthcoming year. An assessment had been made of the likely service take up during 2021/22 and therefore, the Adjudicators, administrative support and accommodation needed. The adjudication service was operated on a self-financing basis with income obtained from contributions by PATROL member authorities and the provision of adjudication to third parties.

A Table providing an income summary since 2010/11 to 2020/21 was included in the report.

The Joint Committee had determined that member authorities would defray the expenses of the Joint Committee by way of a contribution based on the number of penalty charge notices they issued.

Additional income to the PATROL budget had arisen from a recharge to the Bus Lane Adjudication Service Joint Committee for the purposes of integrated adjudication services.

During 2021/22, additional income also derived from the Secretary of State for Transport in respect of adjudication of appeals arising from the enforcement of road user charging (RUCA) at the Dartford-Thurrock River Crossing. Further additional income derived from charges to Halton Borough Council in respect of adjudication of appeals arising from the enforcement of road user charging at the Mersey Gateway Bridge. These charging authorities were not members of the PATROL Joint Committee. Any surplus/deficit arising from appeals activity in this respect was ring-fenced to those charging authorities. Charges were also agreed separately.

During 2018/19, new powers were introduced to enable Local Authorities in England to undertake civil enforcement of littering from vehicles. Whilst there had been considerable interest from local authorities' level of enforcement had been low and at the time of writing the report, to date only four appeals had been received by the tribunal. The forecast for 2021/22 remained low for this area of enforcement.

It was anticipated that 2021 would see the introduction of road user charging appeals associated with Charging Clean Air Zones. A provisional estimate of additional income had been included in respect of schemes with confirmed start dates.

Members asked questions in respect of the IT costs, the longevity of IT equipment and whether or not the budget included costs for installation and software updates. In terms of renting space in the data centre it was confirmed that this space was exclusive to PATROL and that the services PATROL paid for were specific to PATROL. Further questions were asked in respect of Cheshire East Council's support, which was contracted until 2024 in the light of the new lease for Merlin House and what would happen once this support came to an end and what savings had been made by not attending physical meetings in London.

## **RESOLVED**

That the revenue budget for 2021/22 as detailed in the report, be agreed and adopted.

## **19 RESERVES POLICY STATEMENT**

Consideration was given to a report enabling the Sub-committee to review the Reserves Policy Statement for 2021/22, in order to comply with Financial Regulations.

## **RESOLVED**

1. That the proposed Reserves Policy Statement for 2021/22 be approved.

2. That the total PATROL approved reserve level for 2021/22 of £1,912,104 be agreed. This reflected the contribution from the BLASJC reserve of £338,899. The equivalent amount for 2020/21 was £2,255,631. This after allowing for the proposed Reserve Allocation to BLASJC of £332,214.

3. That the balances of any surplus from 2020/21 being carried forward to 2021/22 be approved.

4. That the Reserves Policy Statement at the October 2021 meeting be reviewed in the light of the circumstances outlined in paragraph 7.9 of the report.

5. That the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from PATROL Free Reserves to meet budgetary deficits be approved.

## **20 DEFRAYING THE EXPENSES OF THE JOINT COMMITTEE 2021/22**

Consideration was given to a report to establish the basis for defraying expenses during the 2021/22, in order to comply with Financial Regulations.

The Joint Committee provided the means to appeal to an independent adjudicator in respect of civil traffic enforcement in England (outside London) and Wales and road user charging and littering from vehicles. The PATROL agreement provided for the adjudication service to be operated on a self-financing basis with expenses defrayed by member authorities. Where authorities were working in partnership, it was practice to charge those enforcement authorities who managed the enforcement income stream. Table 1 of the report provided an overview of the Joint Committee's basis for defraying expenses since inception.

It was recommended that for 2021/22, the Joint Committee maintain the rate of 30 pence per PCN. The basis for defraying expenses would be reviewed in October 2021 in the light of the six-month income and expenditure information.

It was felt that if the rate could be kept at 30 pence then that would be the appropriate course of action to take.

### **RESOLVED**

1. That for 2021/22, the Joint Committee maintained the rate of 30 pence per PCN for member authorities. This would be reviewed at the October 2021 meeting in the light of actual income and expenditure information for the first half of the year was available. The rate of 30 pence would apply to penalties issued as follows:

- Parking - England
- Parking - Wales
- Bus Lanes and Moving Traffic - Wales
- Road User Charging – England and Wales
- Littering from vehicles – England

The latter would include new road user charging penalties arising from the introduction of charging Clean Air Zones in 2021<sup>1</sup> (including but not restricted to

Bath and North East Somerset Council (BANES) and Birmingham City Council) as well as the existing Durham Peninsular Charging Zone.

Note 1: It was anticipated that the Bath and North East Somerset (BANES) Clean Air Zone would commence on 15<sup>th</sup> March 2021 and the charge of 30 pence per PCN would apply from that date.

2. That it be noted that separate charging arrangements be entered into with Highways England and Halton Borough Council who were not members of the Joint Committee but with each of whom the Joint Committee had entered into a Memorandum of Understanding. Ring-fenced balances associated with these schemes were reported separately to the Joint Committee within budget monitoring reports.

3. There would be no annual charge, nor cost per case.

4. That it be noted that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this had 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.

5. Invoicing would be undertaken based on monthly returns received from enforcement authorities.

## **21 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE**

Consideration was given to a report on the PATROL and BLASJC Resources Working Group meetings held since the meeting of the Executive Sub Committee in October 2020.

The July 2019 meetings of the Joint Committees had resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives and report to the Joint Committees and their Executive sub Committees.

### **RESOLVED**

1. That the matters discussed at the meetings since the Executive Sub Committee met in October 2020 be noted.

2. That approval be given to the Resources Sub Committee and Working Group to oversee matters highlighted in the report and to report back to the next meeting of the Joint Committee in July 2021.

## **22 RISK MANAGEMENT FRAMEWORK**

Consideration was given to a report presenting a Risk Management Framework for approval.

The Risk Management Framework report, which was appended at Appendix 1, provided a summary of the most significant threats facing the Joint Committees, which could prevent or assist with the achievement of its objectives.

**RESOLVED**

That the Risk Management Framework, as set out at Appendix 1, be noted.

**23 ANNUAL INVESTMENT STRATEGY**

Consideration was given to a report on investments during 2018/19, requesting the Joint Committee to approve the annual investment strategy for 2020/21.

**RESOLVED**

That the Annual Investment Strategy 2020/21 be approved.

**24 TRAFFIC PENALTY TRIBUNAL GENERAL PROGRESS REPORT**

Consideration was given to a report providing a summary of the Traffic Penalty Tribunal appeals activity for the period April to November 2020.

Appendix 1 of the report provided an overview of appeals activity for the period 1 April 2019 to 30 November 2020.

A summary of tribunal initiatives were set out in the report including progress on FOAM, Appeals summary from April until November 2020, hearings, case closure, assisted digital support, appellant feedback and Local Authority workshops conducted during the year.

A question was asked in respect of an increase in appeals for people littering from vehicles and why this was given the decrease in numbers of vehicles on the road during lockdown.

**RESOLVED**

That the matters reported be noted.

**25 PUBLIC AFFAIRS OVERVIEW**

Consideration was given to a detailed overview of public affairs activity in 2020 and the work planned for the coming year.

**RESOLVED**

That the report be noted and that the Resources Working Group and Sub-Committee monitor the activity and report to meetings of the Executive Sub-Committee.

## 26 DATE OF NEXT MEETING

It was reported that the next meeting would take place as follows:-

13 July 2021 Church House, Westminster which would be followed by a Member workshop after lunch commencing at 1.15pm and concluding at 2.15pm After this the Parking Annual Reports by Councils (PARC) Awards would take place later in that afternoon at the House of Commons.

The meeting commenced at 11.00 am and concluded at 12.46 pm

Councillor Stuart Hughes  
Chairman

**Item 9**            **PATROL ADJUDICATION JOINT COMMITTEE**

**Dates:**            **13<sup>th</sup> July 2021**

**Report:**          **Wales Update**

## **1. Civil Parking Enforcement (CPE)**

All local authorities in Wales are now in the civil scheme.

## **2. Moving Traffic Enforcement**

There are two authorities undertaking civil enforcement of moving traffic powers (Cardiff Council and Carmarthenshire County Council). Swansea Council is undertaking civil bus lane enforcement.

## **3. Pavement Parking**

The Welsh Government established a Task Force Group in July 2019 to explore the potential regulatory and secondary legislative changes that could be made and determine whether civil enforcement can be used to provide a mechanism to enforcement pavement (footway) parking. The Task Force Group included representation from PATROL, Traffic Penalty Tribunal, a number of Welsh local authorities and other interested parties. On 13<sup>th</sup> October 2020, the Deputy Minister for Economy and Transport announced that the Welsh government accepts all the Taskforce Group's recommendations in principle. The Deputy Minister, responding to the Taskforce Group Report, explained that subject to further policy development and consultation, the intention is to commence civil enforcement of unnecessary obstruction of the pavement by July 2022. Further details can be found below. PATROL has provided input to this initiative throughout 2020 and into 2021 and we await further news on the forthcoming consultation that is planned for 2021.

<https://gov.wales/welsh-government-response-recommendations-made-pavement-parking-task-force-report-html>

## **4. Clean Air Zones**

Cardiff and Caerphilly councils were asked to submit feasibility study reports to the Welsh Government by the end of June 2019 outlining action that they will take to achieve legal limits for nitrogen dioxide in the shortest possible time frame.

Cardiff Council ruled out a charging CAZ but was instead looking to impose alternatives measures. On 14<sup>th</sup> January 2020 the Welsh Government accepted the council's new proposals to tackle air pollution in the city. The council's revised plan includes a bus retrofitting programme, taxi mitigation measures, city centre public transport improvements and a new active travel package which anticipates that the non-charging measures deliver wider air quality benefits across all of Cardiff when compared directly to the results of the charging Clean Air Zones.

On 15<sup>th</sup> January 2020 Cardiff Council launched its Transport White Paper setting out a ten-year plan to tackle the climate emergency and improve air quality in the Welsh capital. This includes the option to introduce a £2 congestion charge by 2024 on all vehicles from outside the city.

Caerphilly County Borough Council do not have immediate plans for a Clean Air Zone but have identified Air Quality Management Areas.

In August 2020, the Welsh Government launched its air quality strategy “Clean Air for Wales: Healthy Air, Healthy Wales”. Amongst the measures outlined were:

- significant investment in active travel infrastructure, improving rail services and supporting decarbonisation through our aim for a zero tailpipe exhaust emission taxi and bus fleet by 2028.
- investigating measures to support a reduction in personal vehicle use such as road user charging, Clean Air Zones and/or Low Emission Zones.
- implementing our electric vehicle charging strategy and supporting an increase in the proportion of vehicles which are ultra-low emission (ULEV) and promoting a shift to ULEVs for waste collection.

<https://gov.wales/we-have-take-action-now-minister-launches-welsh-governments-clean-air-plan-wales-improve-air>.

It is believed that no other Welsh authorities are considering introducing Clean Air Zones at the present time.

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<b>Date of Meeting:</b>	13 <sup>th</sup> July 2021
<b>Report of:</b>	The Director in consultation with the Advisory Board
<b>Subject/Title:</b>	Draft Annual Return 2020/21

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## **1.0 Report Summary**

1.1 This report presents the draft annual return for the year 2020/21

## **2.0 Recommendations**

That the Joint Committee:

- a) Notes the outturn position against the 2020/21 budget included within the report.  
(Appendix 1) – *subject to external audit validation at 30/06/2021*
- b) Approves the deficit of £636,717 for the year (which excludes £83,175 being the total of Highways England (Dartford-Thurrock River Crossing) and Halton Borough Council (Mersey Gateway Bridge Crossing) surpluses taken from 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 2021.
- d) Notes the balance sheet (Appendix 2) and cash flow (Appendix 3) and audit timetable
- e) Notes the Annual Internal Audit Report 2020/21 (*Appendix 4 to follow when available*)
- f) Approves the recommendation that the Financial Regulations for 2021/22 remain unchanged apart from the change in name of the Director where applicable (Appendix 5)
- g) Approves the revised Scheme of Financial Delegation (Appendix 6)
- h) Approves the recommendation that the Code of Corporate Governance remains unchanged (Appendix 7)
- i) Notes the Staff Expenses Policy (Appendix 8)
- j) Approves the Bad Debt Policy (Appendix 9)

## **3.0 Reasons for Recommendations**

3.1 To finalise accounts for 2020/21

## **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 2020/21 budget included within the report. (Appendix 1)
- b) The deficit of £636,717 for the year being taken from the Joint Committee's reserves. This excludes £78,520 being the surplus ring-fenced to Highways England (Dartford-Thurrock River Crossing) and a ring-fenced surplus of £4,655 in respect of Halton Borough Council (Mersey Gateway Bridge Crossing).
- c) The basis for defraying expenses.
- d) The Balance Sheet (Appendix 2) and cash flow (Appendix 3) and audit timetable.
- e) The Internal Audit Report 2020/21 (Appendix 4)
- f) Financial Regulations 2021/22 (Appendix 5)
- g) The Scheme of Financial Delegation (Appendix 6)
- h) The Code of Corporate Governance (Appendix 7)
- i) The Staff Expenses Policy (Appendix 8)
- j) The Bad Debt Policy (Appendix 9)

## **8.0 Outturn Position against the 2020/21 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 28th January 2020 it was agreed to adopt the revenue budget estimates for 2020/21 set out in this report.
- 8.3 At the meeting of the Executive Sub-Committee held on 28<sup>th</sup> January 2020 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 £3,691,638 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 31<sup>st</sup> March 2021 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 and at the Mersey Gateway Bridge Crossing.
- 8.6 The Joint Committee's income has previously been derived from a pre-estimate of the number of penalty charge notices (PCNs) each council will issue. Corrections were applied at the 6-month and 12-month points once the actual number of PCNs issued was known. Due to the ongoing pandemic income has been derived from **actual returns** received from enforcement authorities on a **monthly basis**. This has ensured that Income predictions and reporting are more timely and accurate
- 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 £1,017,640 (27.5%) (see Appendix 1).

This was in the main due to a positive outturn variance on the Adjudicator Budget of £450,632 (primarily due to the stop the clock initiative, and reduced numbers of appeals) and Supplies and Services line of £276,899 relating to unspent initiatives budgets.

- 8.11 Staffing costs show a positive variance to budget by £211,559 (16.3%).
- 8.12 IT costs were adverse to budget by £56,602 (24.2%), this is predominantly due upgrade of the infrastructure.
- 8.13 The budget line Service Management and Support relates to the business services provided by Cheshire East Council, the host authority.
- 8.14 Premises costs are underspent by £1,848 (0.9%). This is primarily due to budgeted refurbishment and office maintenance, which were not required in the year in question, but off-set by move costs related to the move to the new premises.

## Income

8.15 Overall, income was £1,432,695 (40.2%) adverse to budget (see Appendix 1).

Income from Dartford River Crossing was below budget by £327,393 (37.6%).

Mersey Gateway income was lower than budgeted by £70,256 (34.8%).

These all reflect lower levels of enforcement due to the pandemic.

The recharge for bus lane adjudication service costs shows a negative variance of £251,854 (37.9%). This is due to lower than predicted level of PCNs issued and Appeals relating to Bus Lanes, and also the agreed apportionment of costs solely to PATROL for two months of the year to reflect the unusual circumstances.

Bank interest is below budget by £9,612 (40.1%) due to reduced balances and rates.

## Outturn

8.16 The outturn for PATROL for 2020/21 was a deficit of £636,717.

8.17 The Joint Committee is asked to approve the deficit of £636,717 (which excludes the ring-fenced amounts at 7.1(b) above) being taken from the Joint Committee's reserves.

8.18 This surplus excludes £78,520 being the surplus ring-fenced to Highways England (Dartford-Thurrock River Crossing) for the year in question, and a ring-fenced surplus of £4,655 for the year in question in respect of Halton Borough Council (Mersey Gateway Bridge Crossing).

## External Audit

9.1 The external audit timetable is as follows:

Stage	2020/21
Draft annual return submitted to PATROL and Bus Lane Adjudication Service Joint Committees Resources Sub Committee for approval	13 <sup>th</sup> July 2021
Submission of Annual Return and Supporting Documents to BDO	31 <sup>st</sup> July 2021

## 10. Internal Audit Report 2019/20

10.1 Internal audit is provided by the Host Authority. The internal audit report for 2020/21 is not yet available.

The number of recommendations raised is as follows:

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Low	11	6	3	0	0	1	0
Med	12	11	7	1	0	3	0
High	2	2	1	0	0	0	0
<b>TOTAL</b>	<b>25</b>	<b>19</b>	<b>11</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>0</b>

10.2 The level of assurance for 2020/21 is given as **GOOD**. This is the highest level of assurance which can be given.

## 11. Financial Regulations

No changes are recommended to the Financial Regulations. (Appendix 5).

## 12. Scheme of Financial Delegation 2020/2021

See Appendix 6.

## 13. Code of Corporate Governance

A copy of the Code of Corporate Governance is enclosed at Appendix 7.

The Staff Expenses Policy at Appendix 8 which is to be noted.

The Bad Debt Policy at Appendix 9 is to be approved.

## 14. Access to Information

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

Name: Laura Padden  
Designation: Director  
Email: lpadden@patrol-uk.info

## Appendix 1:

PATROL Outturn to 31/03/2021

	Year to Date				Full Year				
	31/03/2021	31/03/2021	31/03/2021	31/03/2021	31/03/2021	31/03/2021	31/03/2021	31/03/2021	31/03/2021
	Year to Date	Budget	Var to Budget	Var to Budget	Forecast Outturn	Full Year Budget	Var to Budget	Prior Year Result	Var to Prior Yr
<b>Income:</b>									
PATROL *	1,028,346	1,743,009	-714,663	-41.0%	1,028,346	1,743,009	-714,663	1,729,895	-701,548
Recharge for Bus Lane Adjudication Costs	412,844	664,428	-251,584	-37.9%	412,844	664,428	-251,584	579,821	-166,977
<b>Road User Charging:</b>									
RUCA (Dartcharge) - Highways England	543,578	870,972	-327,393	-37.6%	543,578	870,972	-327,393	816,375	-272,797
RUCA (Mersey Gateway) - Halton Borough Council	131,544	201,800	-70,256	-34.8%	131,544	201,800	-70,256	189,001	-57,457
Clean Air Zones	0	61,008	-60,961	-99.9%	0	61,008	-61,008	56	-56
LFV	47	0	0	0.0%	47	0	47	0	47
Bank Interest	14,388	24,000	-9,612	-40.1%	14,388	24,000	-9,612	25,766	-11,378
Sale of Assets	1,775	0	1,775	0.0%	1,775	0	1,775	402	1,373
Other Income	0	0	0	0.0%	0	0	0	0	0
<b>Total Income</b>	<b>2,132,523</b>	<b>3,565,217</b>	<b>-1,432,695</b>	<b>-40.2%</b>	<b>2,132,523</b>	<b>3,565,217</b>	<b>-1,432,695</b>	<b>3,341,316</b>	<b>-1,208,794</b>
<b>Expenditure:</b>									
Adjudicators	803,931	1,254,564	450,632	35.9%	803,931	1,254,564	450,632	1,038,590	234,659
Staff	1,090,156	1,301,715	211,559	16.3%	1,090,156	1,301,715	211,559	1,064,988	-25,168
Premises / Accommodation	203,802	205,650	1,848	0.9%	203,802	205,650	1,848	192,726	-11,076
Transport	14,317	92,800	78,483	84.6%	14,317	92,800	78,483	83,771	69,455
Supplies and Services	227,872	504,771	276,899	54.9%	227,872	492,704	264,832	331,618	103,747
IT	290,287	233,685	-56,602	-24.2%	290,287	233,685	-56,602	246,820	-43,467
Services Management and Support	51,600	51,600	0	0.0%	51,600	51,600	0	51,600	0
Audit Fees	4,100	4,920	820	16.7%	4,100	4,920	820	4,400	300
Contingency	0	54,000	54,000	100.0%	0	54,000	54,000	0	0
<b>Total Expenditure</b>	<b>2,686,065</b>	<b>3,703,705</b>	<b>1,017,640</b>	<b>27.5%</b>	<b>2,686,065</b>	<b>3,691,638</b>	<b>1,005,573</b>	<b>3,014,515</b>	<b>328,450</b>
<b>Surplus / (Deficit)</b>	<b>-553,542</b>	<b>-138,488</b>	<b>-415,055</b>		<b>-553,542</b>	<b>-126,421</b>	<b>-427,122</b>	<b>326,802</b>	<b>-880,344</b>
	0	-0			0		0		0
<b>Breakdown of Surplus</b>	<b>-553,542</b>	<b>-138,488</b>	<b>-415,055</b>	<b>299.7%</b>	<b>-553,542</b>	<b>-126,420</b>	<b>-427,122</b>	<b>326,802</b>	<b>-880,344</b>
PATROL *	-636,717	-161,030	-475,687	295.4%	-636,717	-148,963	-487,754	169,537	-657,291
Halton Borough Council	4,655	-14,131	18,786	-132.9%	4,655	-14,131	18,786	-47,175	65,961
Highways England	78,520	36,674	41,846	114.1%	78,520	36,674	41,846	204,440	-162,594

\* PATROL = Parking England and Wales, and Bus Lanes and Moving Traffic Wales, RUC Durham and Littering from Vehicles (England)

	Forecast Outturn	Full Year Budget	Var to Budget
Reserves b/f from 19/20	3,177,774	3,177,774	0
Surplus / (Deficit) for year 20/21	-553,542	-126,420	-427,122
Forecast closing balance	<b>2,624,232</b>	<b>3,051,354</b>	<b>-427,122</b>
Approved Reserves less approved Drawdown	2,024,031	2,024,031	0
Forecast FREE Reserves	<b>600,201</b>	<b>1,027,323</b>	<b>-427,122</b>
HE	120,643	110,586	
MG	20,187	-67	
NET of HE and MG	459,371	916,804	

## Appendix 2:

### BALANCE SHEET - PATROL

	Apr-20 p01	May-20 p02	Jun-20 p03	Jul-20 p04	Aug-20 p05	Sep-20 p06	Oct-20 p07	Nov-20 p08	Dec-20 p09	Jan-21 p10	Feb-21 p11	Mar-21 p12
<b>Current Assets</b>												
LA Debtors	272,482	217,598	162,917	156,171	122,719	154,548	446,049	361,310	239,010	545,529	384,274	165,135
Other Debtors	-51,729	-108,541	-67,309	26,829	50,635	33,131	54,804	27,275	52,538	78,773	-13,293	59,957
VAT												
Cash and Bank	2,799,526	2,794,392	2,883,086	2,892,041	2,719,094	2,669,388	2,508,546	2,535,565	2,455,601	2,288,262	2,496,629	2,140,483
<b>Total</b>	<b>3,020,278.34</b>	<b>2,903,448.95</b>	<b>2,978,694.07</b>	<b>3,075,040.89</b>	<b>2,892,446.97</b>	<b>2,857,066.53</b>	<b>3,009,398.77</b>	<b>2,924,150.62</b>	<b>2,747,148.49</b>	<b>2,912,563.90</b>	<b>2,867,609.01</b>	<b>2,365,574.76</b>
<b>Current Liabilities</b>												
Trade Creditors	55,932	197,572	165,262	261,438	47,212	301,329	13,393	162,503	128,036	36,017	152,556	57,130
Other Public Bodies												
Other Creditors	-52,930	-78,029	167,756	236,107	376,464	198,220	450,925	321,664	333,685	437,820	448,286	-77,512
<b>Total</b>	<b>3,002.06</b>	<b>119,542.74</b>	<b>333,017.70</b>	<b>497,544.95</b>	<b>423,675.72</b>	<b>499,548.94</b>	<b>464,318.38</b>	<b>484,166.11</b>	<b>461,721.02</b>	<b>473,837.27</b>	<b>600,842.44</b>	<b>-20,381.99</b>
<b>Net Current Liabilities</b>	<b>3,017,276.28</b>	<b>2,783,906.21</b>	<b>2,645,676.37</b>	<b>2,577,495.94</b>	<b>2,468,771.25</b>	<b>2,357,517.59</b>	<b>2,545,080.39</b>	<b>2,439,984.51</b>	<b>2,285,427.47</b>	<b>2,438,726.63</b>	<b>2,266,766.57</b>	<b>2,385,956.75</b>
Long Term (Liabilities)/Assets	0	0	0	0	0	0	0	0	0	0	0	0
<b>NET ASSETS</b>	<b>3,017,276.28</b>	<b>2,783,906.21</b>	<b>2,645,676.37</b>	<b>2,577,495.94</b>	<b>2,468,771.25</b>	<b>2,357,517.59</b>	<b>2,545,080.39</b>	<b>2,439,984.51</b>	<b>2,285,427.47</b>	<b>2,438,726.63</b>	<b>2,266,766.57</b>	<b>2,385,956.75</b>
<b>Financed By:</b>												
Pension Reserve												
Reserves BF	3,177,773	3,177,773	3,177,773	3,177,773	3,177,773	3,177,773	3,177,773	3,177,773	3,177,773	3,177,773	3,177,773	3,177,773
Reserves drawdown	-19,300	-38,600	-81,812	-81,812	-120,412	-120,412	-120,412	-139,712	-197,612	-236,212	-227,593	-238,274
Current Year Surplus	-141,197	-355,267	-450,285	-518,465	-588,589.79	-699,843.45	-512,280.65	-598,076.53	-694,733.57	-502,834.41	-683,413.47	-553,542.29
<b>TOTAL NET WORTH</b>	<b>3,017,276.32</b>	<b>2,783,906.29</b>	<b>2,645,676.46</b>	<b>2,577,496.03</b>	<b>2,468,771.34</b>	<b>2,357,517.68</b>	<b>2,545,080.48</b>	<b>2,439,984.60</b>	<b>2,285,427.56</b>	<b>2,438,726.72</b>	<b>2,266,766.66</b>	<b>2,385,956.84</b>
	0	0	0	0	0	0	0	0	0	0	0	0

## Appendix 3:

### CASH FLOW - PATROL

	Apr-20 p01	May-20 p02	Jun-20 p03	Jul-20 p04	Aug-20 p05	Sep-20 p06	Oct-20 p07	Nov-20 p08	Dec-20 p09	Jan-21 p10	Feb-21 p11	Mar-21 p12
<b>Opening Cash Balance</b>	<b>2,894,019</b>	<b>2,799,526</b>	<b>2,794,392</b>	<b>2,883,086</b>	<b>2,892,041</b>	<b>2,719,094</b>	<b>2,669,388</b>	<b>2,508,546</b>	<b>2,535,565</b>	<b>2,455,601</b>	<b>2,288,262</b>	<b>2,496,629</b>
Decrease / (Increase) in LA Debtors	-19,810	54,884	54,681	6,746	33,452	-31,829	-291,502	84,739	122,300	-306,519	161,255	219,138
Decrease / (Increase) in Other Debtors	73,511	56,811	-41,232	-94,138	-23,806	17,504	-21,673	27,529	-25,262	-26,235	92,066	-73,250
Decrease / (Increase) in VAT Debtor	0	0	0	0	0	0	0	0	0	0	0	0
Increase / (Decrease) in Trade Creditors	-145,159	141,639	-32,310	96,177	-214,227	254,117	-287,936	149,109	-34,466	-92,019	116,539	-95,426
Increase / (Decrease) in other Public Body Creditors	0	0	0	0	0	0	0	0	0	0	0	0
Increase / (Decrease) in Other Creditors	157,462	-25,098	245,785	68,351	140,357	-178,244	252,705	-129,262	12,021	104,135	10,466	-525,798
Movement on Reserves	-160,497	-233,370	-138,230	-68,180	-108,725	-111,254	187,563	-105,096	-154,557	153,299	-171,960	119,190
<b>Closing Cash Balance</b>	<b>2,799,526</b>	<b>2,794,392</b>	<b>2,883,086</b>	<b>2,892,041</b>	<b>2,719,094</b>	<b>2,669,388</b>	<b>2,508,546</b>	<b>2,535,565</b>	<b>2,455,601</b>	<b>2,288,262</b>	<b>2,496,629</b>	<b>2,140,483</b>
	0	0	0	0	0	0	0	0	0	0	0	0

# Joint Committees

## Return for the financial year ended 31 March 2021

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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 2021, 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.

## Section 1 – Governance statement 2020/21

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 2021, 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 for 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

DD/MM/YYYY

Signed by:

Chair

SIGNATURE REQUIRED

Signed by:

Clerk

SIGNATURE REQUIRED

\*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 2020/21 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 2020 £	31 March 2021 £	
1 Balances brought forward	3,295,412	3,177,772	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	3,341,316	2,132,523	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	2,127,214	1,889,306	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	1,331,742	1,035,034	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	3,177,772	2,385,957	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	2,901,016	2,144,525	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 2021 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:

 SIGNATURE REQUIRED

Date  DD/MM/YYYY

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 2020/21 Certificate

We present the findings from our review of the return for the year ended 31 March 2021 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 2021; 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 2020/21 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 2021.

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:

Name of person who carried out the internal audit:

Josie Griffiths

Signature of person who carried out the internal audit:

SIGNATURE REQUIRED

Date:

30/06/2021

\*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 2020/2021 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 2020) equals the balance brought forward in the current year (Box 1 of 2021).
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 2021 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?	✓

# Internal Audit – Assurance Report PATROL (Parking and Traffic Regulations Outside London) 2020/21

Report Status: Final  
Report Date: 30<sup>th</sup> June 2021  
Prepared by: Lucy Nelson

Working for a *brighter future*  together



OFFICIAL

## Distribution List and Version Control

*Draft reports should not be shared with anyone outside of the distribution list below without prior approval from the Audit Manager.*

### **Distribution List – Draft Report:**

- Laura Padden – PATROL, Director
- Erica Maslen – PATROL, Central Services Manager

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### **Distribution List – Final Report:**

- Laura Padden – PATROL, Director
- Erica Maslen – PATROL, Central Services Manager

### **Final Report Owner:**

- Laura Padden – PATROL, Director

### **Version Control**

Version Number	Date	Changes
1.0	29.06.21	Draft report prepared
1.1	29.06.21	Draft report reviewed and approved for issue (JG)
2.0	30.06.20	Agreed and issued in Final

<b>Galileo Reference</b>	EXT001.0006
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## Executive Summary

### 1. 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 (RUCA) Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).
- Regulation 18 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

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 functions 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.

## Executive Summary

- 1.6 The Traffic Penalty Tribunal also provides adjudication in respect of penalties issued for failure to pay the road user charge at the Dartford-Thurrock River Crossing, the Mersey Gateway Bridge and the Durham Road User Charge Zone and in relation to moving traffic and littering from vehicles penalty notices. 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 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 Regulations 2015; however, the Body has decided to still complete the SBAR on an annual basis 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.

## 2. Scope of Review and Risks Covered

- 2.1. Following the Covid-19 outbreak and in line with government guidance, the review for 2020/21 has been carried out remotely. Internal Audit has followed the programme of testing as much as possible and has placed reliance on information supplied electronically.
- 2.2. In order to complete Section 4 of the 2020/21 SBAR, we had to determine whether the ten stated internal control objectives have been achieved throughout the 2020/21 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;

## Executive Summary

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
- 2.3. In order to satisfy the above control objectives, we carried out a programme of audit testing on the following areas:
- Assets (testing did not include a physical check due to carrying out the audit remotely)
  - Banking and Cheques
  - Budgetary Control

- Income
- Payroll
- Procurement
- Purchase Cards
- Petty Cash (testing did not include a physical check due to carrying out the audit remotely)
- Risk Management

- 2.4. PATROL introduced a petty cash system during 2019/20 with a balance limit of £50, however physical testing could not be carried out due to the remote review. There are also a number of purchase cards linked to the bank account. As such, and as per testing carried out in previous years, a review of processes and controls in operation in relation to the cards was also undertaken.
- 2.5. 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.
- 2.6. Where sample testing was undertaken, sampling was proportionate to the volume of transactions in relation to the PATROL, Bus Lanes, RUCA moving traffic and littering. Furthermore, the samples selected included transactions completed throughout the whole of 2020/21 in order to ensure that the findings are as comprehensive

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## Executive Summary

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.

- 2.7. 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.

### 3. Key Findings and Recommended Actions

- 3.1. A total of 88 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, no issues were identified during the review and as such, no recommended actions have been raised in this report.

### 4. Conclusion and Opinion

- 4.1. The audit concluded that the 10 control objectives detailed on the 2020/21 SBAR are effectively managed for both PATROL and Bus Lane Adjudication Joint Committees. **Appendix A** confirms the results of the audit work as it will be entered on the SBAR.
- 4.2. The review concluded that the steps taken to address compliance with the controls the Body has established in its processes and procedures are operating satisfactorily.
- 4.3. Internal Audit use a formal opinion system, details of which are given in **Appendix B**. Based upon the findings and actions raised, a "Good Assurance" opinion has been given.
- 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.
- 4.4. In line with our Audit Charter, the agreed action plan will be subject to a follow up review to provide assurance that recommended actions have been implemented.

## Appendix A – Audit Opinion and Priority Rating for Individual Findings

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 introduced a petty cash system during 2019/20, however physical testing could not be carried out due to the remote review. There are also a number of purchase cards linked to the bank account, therefore, a review of processes and controls in operation in relation to the cards was also undertaken.

\*\* Testing did not include a physical check of Assets due to remote review.

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## Appendix B – Audit Opinion and Priority Rating for Individual Findings

### 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
<b>Good Assurance</b>	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.
<b>Satisfactory Assurance</b>	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.
<b>Limited Assurance</b>	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.
<b>No Assurance</b>	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 B – Audit Opinion and Priority Rating for Individual Findings

### 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
<b>High</b>	<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. A fundamental risk may involve failure to:</p> <ul style="list-style-type: none"> <li>• Meet key business objectives</li> <li>• Meet statutory objectives</li> <li>• Adhere to Cheshire East policies</li> <li>• Prevent fraud or material error</li> </ul>	<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>
<b>Medium</b>	<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>
<b>Low</b>	<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>

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## PATROL ADJUDICATION & BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

### FINANCIAL REGULATIONS

#### 2021 - 2022 DRAFT

#### 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).
- 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.

#### **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 (delegated to the Central Services Manager) 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 provided for 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.
- 7.7 A Contracts Register will be kept of all ongoing contracts.

## **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 review the internal audit strategy.

13.2 The Director will 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. The Petty Cash shall be secured in the safe overnight, limited to a balance of £50 and reconciled each month independently.

#### **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](http://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.



## **PATROL and Bus Lane Adjudication Service**

### **Scheme of Financial Delegation**

**Contact Details:** Laura Padden - Director  
**Version / Date:** May 2021

## Introduction

This Scheme of Delegation should be read in conjunction with the current PATROL and Bus Lane Adjudication Service Joint Committee's Financial Regulations and the Scheme of Delegation to the Director

### 1 Budget Management

#### i) In year budget management

The table below sets out which managers have been delegated the task of managing capital and revenue budgets.

Manager	Budget area	Name
Deputy Chief Adjudicator	Adjudicator fees and expenses	Stephen Knapp
Central Services Manager	Central Services functions including departmental staffing, premises, staff recruitment, training and Human Resources	Erica Maslen
Stakeholder Engagement Manager	Stakeholder departmental staffing and associated engagement expenditure IT departmental staffing, technology provision and development (software, hardware and infrastructure)	Iain Worrall
Director	Senior salaries, Case Management staffing budget Joint Committee initiatives, expenditure from approved reserves, consultancy and legal advice. PR, Communications and other expenditure not falling within the above delegations.	Laura Padden

ii) **Changing the Service budget in year**

<b>Manager</b>	<b>Budget Area</b>	<b>Approval Limit</b>
Director	All	£25,000

iii) **Planning future years budgets**

Responsibility:	Director and Central Services Manager in conjunction with budget managers set out above
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**2 Authorisations**

i) **Procurement – Purchasing Goods and Services, Contracts & Tenders, Requisitions and Orders**

The following limits apply to the approval of submission of tenders; acceptance of tenders; post contract negotiations; agreeing variations and lease, hire or rental agreements.

Up to £2,000	a written quotation submitted by the requisitioner and authorised by the Budget Manager
Between £2,000 and £30,000	three written quotations submitted against an outline specification by the Budget Manager
£30,000 to £172,514 (EU threshold)	formal tender process to at least three candidates authorised by the Director
EU threshold to £250,000	follow EU tender rules initiated by the Director

The primary budget holders may have authorised approvers within their teams who can approve up to £500 expenditure without budget holder approval on agreed budget areas.

<b>Authorised Approver</b>	<b>Primary Budget Holder</b>
Business Manager	Central Services Manager
Technology Manager	Stakeholder Engagement Manager
Appeals Manager	Director
Joint Committee Support Officer	Director / Stakeholder Engagement Manager

**ii) Purchase Cards**

<b>Card Holder (Role)</b>	<b>Transaction &amp; Monthly Limit</b>	<b>Approver (Role)</b>
Central Services Manager	£10,000	Director
Office and Facilities Manager	£10,000	Central Services Manager or Director
Technology Manager	£5,000	Stakeholder Engagement Manager or Cent Serv Manager
Projects Officer	£10,000	Stakeholder Engagement Manager or Cent Serv Manager
Appeals Manager	£5,000	Director or Cent Serv Manager
Executive Assistant	£10,000	Central Services Manager or Director
Stakeholder Engagement Manager	£5,000	Director or Central Services Manager

### iii) Imprest Accounts

Only the Central Services Manager / Finance Officer and Accounts Assistant have access to Petty Cash. The cash balance is limited to £50 at any one time, kept in the safe overnight and reconciled each month independently.

Where cash is required, only the Central Services Manager is authorised to draw cash from the Joint Committee’s current account in accordance with the Joint Committee’s approved Cash Policy.

### 3 Human Resources

Area of Delegation	Limit (Grade / £)	Designated Authorising Officers	Notes
Authorising that a post within the establishment is to be filled	Grade 10	Senior Manager for their department	The Business Manager will be notified to update the HR system.
Authorising: <ul style="list-style-type: none"> <li>• Staff appointments*</li> <li>• Promotions</li> </ul>	Grade 10 *Up to two increments depending upon qualifications and experience	Senior Manager for their department	As above
Authorise Changes to Employment Contracts	Grade 10	Senior Manager for their department	As above
Approval for overtime to be worked	Where allowed within contract	Senior Manager for their department	As above

Area of Delegation	Limit (Grade / £)	Designated Authorising Officers	Notes
Authorise Redundancies/Early Retirements	Applies across all grades	Director in conjunction with Joint Committee and CEC	As above
Authorise Payments: <ul style="list-style-type: none"> <li>• Staff Overtime Claims</li> <li>• Staff Expense Claims</li> </ul>	Where allowed within contract	Senior Manager for their department Senior Manager/Business Manager	As above
Authorise contractor/agency worker timesheets (or equivalent claims)	Grade 7	Senior Manager/Business Manager	As above

Note: Adjudicator recruitment and terms and conditions is delegated to the Chief Adjudicator.

#### 4 Management of Assets

Area of Delegation	Limit (£)	Designated Authorising Officers
Maintenance of Asset Inventory		Central Services Manager and Technology Manager
Authorising disposal of equipment or materials	≤ £5,000	Director
	> £5,000	Chair of Joint Committee
Authorising write off and / or disposal of IT hardware & software	≤ £5,000	Director

## 5 Banking and Income

No bank accounts may be opened or arrangements made with any other bank except by agreement with the Director.  
New investment deposits with current banking institutions will be authorised by the director.

Area of Delegation	Designated Accounting Officers	Notes
Authority to raise an external/internal invoice	Finance Officer	
Authority to cancel debt (e.g. credit notes).	Central Services Manager	
Authority to write off debt	Director	

### i) On-line banking authorisations

**All transactions and amendments to user profiles and limits require 2 approvers (neither of which can be the user requesting the change).**

Designated User	Raise Payments and Changes	Authorise with one other
Director	Yes	Yes
Central Services Manager	Yes	Yes
Finance Officer	Yes	No
Office and Facilities Manager	Yes	Yes

Stakeholder Engagement Manager	No	Yes
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## 6 General Ledger

Area of Delegation	Limit (£)	Designated Authorising Officers	Notes
Journals	£350,000 in respect of income adjustments	Finance Officer	
Additions, Changes and Deletions to Accounting Codes	£ 5,000 £25,000	Finance Officer Central Services Manager	
Amendments to budgeted amounts	All	Central Services Manager Director	

## 7 Performance Management

Responsibility for maintaining Performance Management System:	Director & Central Services Manager
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## 8 Risk Management

Responsibility for maintaining Risk Management System:	Director & Central Services Manager
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## 9 Insurance

Area of Delegation	Designated Authorising Officers
Obtain and maintain appropriate insurance cover	Central Services Manager
Dealing with claims (e.g. Statement of Disclosure, Defence etc.)	Central Services Manager

## 10 Information Management

Area of Delegation	Designated Authorising Officers
Responsibility for Document Retention/Information Management arrangements	Central Services Manager
Responsibility for Freedom of Information/Data Protection Act requests	Central Services Manager

## 11 Building/Security

Area of Delegation	Officer/Building
Building Specific Responsible Officers as required by Health and Safety Policy	Central Services Manager/Office and Facilities Manager
Key holders/Secure Access	Central Services Manager/Office and Facilities Manager
IT Physical Access to secure areas	IT Manager

## 12 Other

Business/Service owner of relevant policies/procedures (e.g. regular maintenance/update)	Central Services Manager
Service/Area specific Instructions/Regulations	Adjudicators/Appeals Manager
Contracts Register	Central Services Manager
Access to Systems / Network	IT Manager

## 13 Approval

<b>Scheme of Delegation – Approved by</b>	
<b>Date of approval</b>	
<b>Evidence of approval held by</b>	

## 14. Review

This scheme will be reviewed on an annual basis.

## Appendix

### PATROL ADJUDICATION AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

#### CODE OF CORPORATE GOVERNANCE

##### 1. Background

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.

d) Regulation 16 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018. These functions are exercised through PATROL in accordance with Regulation 16 of the English General 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
- Information about the Joint Committees, publication of agendas, papers and newsletters through the PATROL website at [www.patrol-uk.info](http://www.patrol-uk.info).
- 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.

## **GUIDE TO STAFF OUT OF POCKET EXPENSES**

**2021/22 DRAFT**

### **Introduction**

It is recognised that from time to time, in the course of performing their duties, staff will be required to incur out of pocket expenses, for instance when attending meetings/conferences/events or training days

The following provides guidance on what staff may claim in respect of out of pocket expenses. Please note that all expenditure must be supported by a full, itemised, VAT receipt, if none is available expenses may not be paid.

**This policy is separate to the Home Working Policy.**

### **Train Travel**

All public transport should be booked standard class except where a first class ticket is equivalent or cheaper. Trains should be booked as far in advance as is practically possible to ensure that the best fare is obtained. The outward journey should be on a specific train time. Where possible, the return journey should also identify a specific train time but it is recognised that in some circumstances this will not always be possible. Travel tickets may act as a receipt when reclaiming expenditure.

When travelling on the London Underground, receipts for Oyster Cards and top ups may be submitted. Alternatively, where personal debit cards are used for journeys, evidence from your bank statement may be submitted. In the event that an oyster card/debit card is not available day travel cards day travel tickets will be reimbursed.

### **Air Travel**

From time to time, it is more cost effective to fly than use other forms of transport. Prior to booking, this information should be supplied for approval by the Director or Central Services Manager.

### **Car Travel**

It is anticipated that car travel will be the last resort. Car Travel must be authorised by the Director in advance, where a regular journey is made eg to the same venue, this can be approved in one approval. Mileage claims must be based on the most direct route and will be assessed against AA route finder or similar. When travelling to destinations served by rail, claims will be capped at the price of a standard rail ticket.

Any claims for mileage should take into account the distance that would normally be travelled to get into work on a normal working day. For example, if the journey to work is normally 10 miles return, this should be deducted from the overall mileage.

The expense claim will detail the departure and arrival postcode together with any deductions for standard home to work travel.

Where claims are to be made the Claimant must provide evidence on request of appropriate business insurance for the vehicle used.

The current rates for mileage are:

	Engine size	Engine Size
<b>OCCASIONAL USERS</b>	451 -999cc	1000cc+
Per mile first 8,500	46.9p	52.2p
Per mile after 8,500	13.7p	14.4p

### **Car Hire**

When hiring a car, the hire charge should exceed no more than £40 per day before any insurance or insurance waiver charges. Director approval must be sought if it is necessary to hire a vehicle that exceeds this charge per day. If the car hire period spans a weekend / bank holiday or other non-working day, line manager approval must also be sought.

**Any charge due to damage that is not covered by insurance is the responsibility of the driver and will need to be repaid to the organisation.**

### **Car Parking**

Car Parking options and charges should be explored and the most cost effective rate sought.

**Under NO circumstances will staff be reimbursed for any fines or penalties incurred.**

### **Taxis**

All taxi journeys must be accompanied by a receipt. Details of the pickup, drop off and reason for journey must be detailed on the expense claim.

### **Meals**

#### **Breakfast**

If you travelling before 7.30 a.m. to attend a meeting/event/training session, you may make a claim for breakfast up to a maximum of £5.00.

#### **Light Refreshments**

Claims for light refreshments are permissible on journeys of one hour or more if travelling to an event/external meeting/training session. Permissible claims include hot and cold drinks/light snacks.

## **Lunch**

If you are away from the office for a whole day and lunch is not provided as part of the meeting/event you are attending, a claim can be made for lunch up to a maximum of £10.00. Alcoholic drinks are not permissible. Claims must be accompanied by an itemized, VAT receipt.

## **Evening Meal**

If you are required to stay away from home overnight (see below), you may claim up to £35 for an evening meal. A valid detailed VAT receipt must be provided for any claim.

If your return journey is expected to be more than two hours AND your external meeting/event/training session ends at 6.00pm or later, you may claim up to £15.00 for a meal prior to departure or en-route if travelling by train.

## **Accommodation**

In some circumstances, for example due to an early start for a meeting or for example meetings in London on two consecutive days, it is necessary/cost effective to stay overnight. Any requests for overnight accommodation must first be made to Director or Central Services Manager. If prior written approval has not been obtained expense claims will not be met.

Accommodation should be booked with the aim of achieving value for money in combination with proximity to venue. Please note in some circumstances it maybe more cost effective to stay elsewhere in London and travel to venue by public transport. Where bed and breakfast is provided as part of the accommodation, it is not anticipated that additional claims will be made for breakfast expenses on that day.

Accommodation outside London - £125 (Net of VAT) maximum per person per night  
Accommodation within London - £180 (Net of VAT) maximum per person per night  
Where accommodation exceeds the above limits the Director must give approval.

## **Miscellaneous Expenditure**

All miscellaneous expenditure must be accompanied by a VAT receipt (this enables PATROL to reclaim any VAT due) and full details regarding the reason for the claim and event/external meeting/training session the expenditure relates to.

Examples of permissible miscellaneous expenditure include:

- Stationery (whilst at conferences etc)
- Wireless connectivity (on trains or in hotels)
- Toll charges (Detail which toll on claim form)
- Tea/Coffee/Milk for office (ad-hoc if office runs out prior to delivery.)
- Publications (Required at short notice for external meeting/event)

## **Organisational Credit Card**

Any member of staff that holds a Company Credit Card is required to complete and sign a Credit Card Undertaking, this provides the guidelines for use. Where this is being used for personal expenses, receipts must be provided and a claim form completed, detailing each item.

All Credit Card Transactions are required to adhere to the guidelines.

Only the Central Services Manager has authority to withdraw cash against their card. A receipt must be obtained for the cash withdrawn, and the amount withdrawn witnessed by another manager.

### **Purchasing off the internet**

It is recognised that from time to time staff may need to make small purchases from an Internet Store, for office use. Examples of this would include stationery or IT consumables. This should generally be done using the organisation's credit card. In an emergency, personal debit/credit cards can be used as follows: Staff are allowed to purchase up to a value of £50.00 without prior authorization. Purchases above £50.00 must be approved in advance by the Director or Senior Manager.

All items must be supported by a VAT receipt.

### **Expenses falling outside these guidelines**

Where you are aware in advance of expenses that will fall outside these guidelines, please raise with the Director before your trip/purchase. Where unanticipated expenditure arises, please raise with the Director on your return. An itemised, VAT receipt must accompany claim otherwise the expenditure will not be reimbursed.

### **Claiming expenses**

Claims should be submitted using the most up to date standard claim form to the Finance Team as soon as possible and certainly no later than 3 months following the expenditure.

Claims received by 12pm Wednesday will be paid the same day. The preferred method of payment is by electronic transfer. First time claimants will need to provide their bank account details (sort code, account number, account holder name).

# Appendix 9

## PATROL Adjudication Joint Committee

### BAD DEBT POLICY

#### Introduction:

Bad debts represent unpaid income and the effective management and collection of debt is an essential contributor to the organisation's financial resource.

There are inevitably occasions when the income due to the organisation cannot be collected within a reasonable timescale or cannot be collected at all and the Bad Debt Policy needs to be implemented.

The objectives of this policy are:

- To set out the general principles of Debt Management
- To ensure a consistent approach to the management of debt
- To promote a consistent approach to the escalation of debt collection
- To ensure that debts are managed in accordance with legislative provisions and best practice

#### Policy Statement:

1. PATROL aims, through this policy, to ensure that only uncollectable balances are written off.
2. PATROL will make a prudent provision in the accounts for bad debts on the basis of the age of the debt in accordance with the following table:

#### Debt % Provision

Age of Invoice	Provision
0-30 days from invoice date	0%
30-60 days from invoice date	0%
60-90 days from invoice date	0%
90 days + from invoice date	100%

3. Debts will only be written off where all the arrears processes have been exhausted and that any debt collection referral agencies advise that the debt is uncollectable **OR** where the Director is content to approve the write-off based on actions taken
4. All write-offs are recommended by the Finance Manager and approved by the Director
5. Any disputed Invoice will have action placed on hold until it is resolved

### Collection, Escalation and Recovery:

The collection of Income in respect of invoices raised must follow a standard course which fully documents all efforts made to settle the debt.

1. All invoices raised will have standard terms of due date 30 days from date of invoice
2. If no payment (or remittance) is received within 14 days of due date, a Reminder will be sent
3. If no payment (or remittance) has been received within 21 days of the Reminder, a Final Reminder will be sent. The Final Reminder will advise on actions beyond the 90 days stage, these may include late payments charges and interest.
4. If an invoice reached the 90 days from date issued point and payment has not been received, the following actions will be taken.
  - a. The invoice will be provided for in the accounts
  - b. The authority will be notified of such, informed that the debt is now classified as a Bad Debt within our reporting, and notified that an invoice will be raised within 7 days for interest on late payment and associated costs. This will be in line with current legislation
  - c. If payment is not received within 7 days, the Finance Manager will raise the associated invoice (this will be due for immediate payment)
  - d. The Bad Debt Summary will be updated for all actions taken.
5. At 120 days the Director will be advised and next steps agreed

### Summary:

Day	Status	Action
0	Invoice raised	None
30	Invoice Due	None
31 +14	Invoice Overdue	Reminder sent
31 + 35	Invoice Overdue	Final Reminder sent
90	Bad Debt	Bad debt provision and Late Payment Invoice
120	Bad Debt + Late Payment invoice overdue	Director

### Key Performance Areas:

- A. The Finance Manager will establish appropriate procedures and training requirements relating to pursuing debts and determining which debts should be written off, based on the above.
- B. The Finance Manager will calculate the bad debt provision on a monthly basis in

accordance with the policy. The level of bad debt will be reported to the Joint Committee with other financial updates.

- C. The Director will authorise the write off debts in accordance with the policy on a six-monthly basis.
- D. The Finance Manager and the Director will review the policy on an Annual basis
- E. Any amounts written off will be reported at the following meeting of the Joint Committee or its Executive Sub Committee.

#### **Relevant Legislation:**

**Late Payments of Commercial Debts (Interest) Act 1998**

**Late Payment of Commercial Debts Regulations 2002**

**Late Payment of Commercial Debts Regulations 2013**

**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES**

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<b>Date of Meeting:</b>	13 <sup>th</sup> July 2021
<b>Report of:</b>	The Director on behalf of the Resources Working Group and Sub Committee
<b>Subject/Title:</b>	Establishment of Executive Sub-Committee

---

**1.0 Report Summary**

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

**2.0 Recommendation**

- 2.1 That each Joint Committees establishes an Executive Sub-Committee to act on behalf of the Committee until the annual meeting in July 2022, in accordance with paragraph 2 and Appendix 1 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 Committees will be on 14<sup>th</sup> October 2021 in London.
- 2.3 Notes that reasonable travel expenses may be claimed for attending Executive Sub Committee meetings in accordance with the policy at Appendix 2.

**3.0 Reasons for Recommendations**

- 3.1 To enable the Joint Committees to conduct their business effectively.

**4.0 Financial Implications**

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

**5.0 Legal Implications**

- 5.1 The PATROL and Bus Lane Adjudication Service Joint Committee agreements make provision for the establishment of sub committees.

**6.0 Risk Management**

- 6.1 The recommendations enable the Joint Committees to conduct their business effectively.

**7.0 Background and Options**

- 7.1 Members are aware that as each Council becomes a party to the PATROL and/or Bus Lane Adjudication Service Joint Committee 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 Committees increases, one way of avoiding the need for large numbers of members attending all the committee meetings is to establish an Executive Sub-Committee. Both the PATROL and Bus Lane Adjudication Service Joint Committee Standing Orders enable the Joint Committees to appoint such Sub-Committees as they see fit.
- 7.3 Any Terms of Reference for such Sub-Committees need to be agreed by the Joint Committees as and when each Sub-Committee is established.
- 7.4 Many of the day to day functions of the Joint Committees 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 both the PATROL and Bus Lane Adjudication Service Joint Committee Agreements for the Joint Committees by 31<sup>st</sup> 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-Committees are detailed in the Appendix to this report.
- 7.7 The size of the Executive Sub-Committees is recommended by officers to comprise a minimum of twelve in number for PATROL, 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. The recommended minimum number for the Bus Lane Adjudication Service Joint Committee Executive Sub Committee is three.

## APPENDIX 1

### PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES Executive Sub Committees' Terms of Reference

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

#### 1. Financial Matters

- (a) Deciding on the level and proportion PATROLAJC and BLASJC 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 30<sup>th</sup> 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 the Resources Working Group and Sub Committee or 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. This may be delegated to the Resources Working Group and Sub Committee.
- (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. This may be delegated to the Resources Working Group and Sub Committee.

#### 3. Advisory Board

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

#### 4. New Council members to the PATROLAJC and BLASJC Agreements

Noting new council members.

#### 5. Ad hoc delegations

The Joint Committee may from time to time make specific delegations to the Executive Sub Committees 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 PATROLAJC and BLASJC Resources Working Group and Sub Committee.

#### 6. Chairs of the Executive Sub Committees

The chairs elected for the Joint Committee will assume the same positions on the Executive Sub Committees

## **APPENDIX 2: POLICY FOR MEETING MEMBERS' TRAVEL EXPENSES**

### **Introduction**

Following member representations and assessment of the budgetary impact, the Resources Working Group recommends the following policy for meeting members' travel expenses.

### **Proposed Policy**

It is recognised that local authorities face increasing budgetary pressures. For some time, PATROL has been meeting the costs of local authority officers attending local authority user group meetings.

In order to promote engagement with the Joint Committees, PATROL will meet some of the travel costs associated with Members attending meetings which take place outside the annual meeting, for example, the Executive Sub Committees. It is anticipated that member authorities will continue to fund the costs associated with Councillors (main representative or substitute) attending the Annual Meeting.

The following provides guidance on what attendees may claim in respect of out of pocket expenses.

### **Train Travel**

Joint Committee Meetings are generally held in London. PATROL will meet the cost of train travel between the Member's local railway station travelling to London. All train travel should be booked standard class except where an Advance first class ticket is equivalent or cheaper.

### **Claiming expenses**

Train travel expenses must be submitted on the PATROL Member Claim Form. This will be emailed to Members for electronic submission of claims.

Travel tickets may act as a receipt when reclaiming expenditure. Claims should be submitted as soon as possible and certainly no later than 3 months following the expenditure.

Contact details:

[accounts@patrol-uk.info](mailto:accounts@patrol-uk.info)

or

Accounts  
PATROL  
Merlin House  
8 Grove Avenue  
Wilmslow  
SK9 5EG

Claims received by 12pm Wednesday will be paid the same day. The preferred method of payment is by electronic transfer. First time claimants will need to provide their bank account details (sort code, account number, account holder name).

# Member Claim Form

Name of Claimant:	
Date of Claim:	
Meeting / Event:	
Signature of Claimant:	
Authorised by:	

TRAIN TRAVEL	Start	Finish
Address / Station		
<b>TOTAL CLAIMED £</b>		

**Please make payment by:** Bank transfer (BACS)  Cheque

Account Number: \_\_\_\_\_

Sort Code: \_\_\_\_\_

Bank & Branch Name: \_\_\_\_\_

Make cheques payable to: \_\_\_\_\_

Postal address: \_\_\_\_\_

**Please submit all claims with receipts / tickets to [accounts@patrol-uk.info](mailto:accounts@patrol-uk.info) or post to PATROL, Accounts, Merlin House, 8 Grove Avenue, Wilmslow, SK9 5EG**

**Office use only:**

Total Claimed £	
Checked By and Date	

# **PATROL (Parking and Traffic Regulations Outside London) and Bus Lane Adjudication Service Joint Committee**

## **GUIDE TO MEMBERS CLAIMING TRAVEL EXPENSES 2021-22 DRAFT**

### **Introduction**

It is recognised that local authorities face increasing budgetary pressures. In order to promote engagement with the Joint Committees, PATROL will meet the travel costs associated with attending meetings which take place between the annual meetings. It is anticipated that member authorities will continue to fund the costs associated with Councillors (main representative or substitute) attending the Annual Meeting.

### **Train Travel**

Joint Committee Meetings are generally held in London. All train travel should be booked standard class except where a first class ticket is equivalent or cheaper. Trains should be booked as far in advance as is practically possible. The outward journey should be on a specific train time. Where possible, the return journey should also identify a specific train time but it is recognised that in some circumstances this will not always be possible. Original travel tickets will act as a receipt when reclaiming expenditure.

### **Travel to railway station**

Public transport or mileage claims may be made in respect of the journey from home to the railway station. The mileage rates are as follows:

	Engine size	Engine Size
<b>OCCASIONAL USERS</b>	451 -999cc	1000cc+
Per mile first 8,500	46.9p	52.2p
Per mile after 8,500	13.7p	14.4p

### **Claiming expenses**

Claims should be submitted to the Finance Team using the attached claim form as soon as possible and no later than 3 months following the expenditure.

Claims received by 12pm Wednesday will be paid the same day or following day. The preferred method of payment is by electronic transfer. First time claimants will need to provide their bank account details (sort code, account number, account holder name).

### **Review**

This policy will be reviewed on an annual basis by the Joint Committee's Resources Working Group and Sub Committee who will make a recommendation to the Joint Committee's annual meeting.

**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES**  
**Executive Sub Committees**

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<b>Date of Meeting:</b>	13 <sup>th</sup> July 2021
<b>Report of:</b>	The Director on behalf of the PATROL and BLASJC Resources Working Group
<b>Subject/Title:</b>	Report of the PATROL and BLASJC Resources Working Group meetings held since the meeting of the Executive Sub Committees in January 2021.

---

**1.0 Report Summary**

- 1.1 To report on the PATROL and BLASJC Resources Working Group meetings held since the Executive Sub Committee Meeting held in January 2021.

**2.0 Recommendations**

- 2.1 To note the matters discussed at the meetings since the Executive Sub Committee in January 2021.
- 2.2 To approve the Resources Working Group and Sub Committee overseeing matters highlighted in the report and reporting back to the next meeting of the Joint Committees or their Executive Sub Committees

**3.0 Reasons for Recommendations**

- 3.1 To update the Joint Committees

**4.0 Financial Implications**

- 4.1 The Resources Working Group considered financial matters reported to this meeting.

**5.0 Legal Implications**

- 5.1 None

**6.0 Risk Management**

- 6.1 The Resources Working Group considered the risk management report presented to this meeting.

**7.0 Background and Options**

- 7.1 The July 2019 meetings of the Joint Committees resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives on its behalf.

- 7.2 The Resources Working Group comprises the Chairs of the Joint Committee and representatives from the Joint Committees' Advisory Board. The Resources Sub Committee comprises the Members.
- 7.3 During the Covid-19 pandemic, the Chairs of the Joint Committees have been appraised of the impact of reduced income on cash flow and the need to drawdown from the reserves from previous years in accordance with the Joint Committees' Reserves Policy.
- 7.4 The Resources Working Group have been consulted in the decision to service notice on the current lease at the Wilmslow office in response to a move to increased remote working and the planned introduction of a smaller office hub following a staff consultation. Adjudicators already work remotely.
- 7.5 At its meetings on 9<sup>th</sup> March and 24<sup>th</sup> June 2021, the Resources Working Group received a report from the Five Year Review Group including the retirement of Louise Hutchinson and the appointment of the new PATROL Director, Laura Padden who was introduced to members at the Executive Sub Committee Meeting.
- 7.6 The Five Year Review Group is tasked with reviewing the resource requirements of the Traffic Penalty Tribunal and PATROL in the light of anticipated opportunities and challenges over the period 2020-25. Other aspects of the Five Year Review will be reported separately on this agenda.
- 7.7 The Resources Working Group reviewed the financial recommendations being made to this meeting together with:
- a) The annual review of the terms of reference for the PATROL and BLASJC Resources Working Group and Sub Committee.
  - b) The reporting of the Traffic Penalty Tribunal's statistics for 2020/2021.
  - c) Received a Public Affairs Update and resolved that a summary report is presented to the Joint Committees.
  - d) Received an update on the introduction of Clean Air Zones from 2021 and outlined the activities undertaken to prepare for their associated appeals.
  - e) Considerations for the review of resources required to meet obligations over the next five years.
  - f) Draft agendas, financial and governance reports for the Joint Committee meetings including reviewing the risk register.
  - g) Arrangements for reimbursing member travel expenses for attendance at Joint Committee meetings and review of staff expense guidelines.
  - h) Procurement falling outside the Joint Committee's financial regulations.
  - i) Resolved to defer this year's PACER Awards ceremony until October 2021 due to issues with securing a venue because of the coronavirus pandemic, and to note the change of name from the PARC Awards to PACER Awards (Promoting Awareness of Civil Enforcement through Reporting) to reflect the expanding areas of civil enforcement.
- 7.8 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and report to the next meeting of the Joint Committees or their Executive Sub Committees.

## **8.0 Recommendation**

- 8.1 To note the matters discussed at the meetings held since the Executive Sub Committee in January 2021.
- 8.2 To approve the Terms of Reference for 2021/2022.
- 8.3 To approve the Resources Working Group and Sub Committee overseeing matters highlighted in the report and reporting to the next meeting of the Joint Committees or their Executive Sub Committees.

## **Appendix 1**

### **PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES**

#### **Resources Working Group and Sub Committee**

##### **Terms of Reference 2021/2022**

#### **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, governance or other matter that the Joint Committee or its Executive Sub Committee determines to delegate to the Resources Working Group to take forward between meetings as 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 and 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.
- (d) Noting the recommendations from low-level internal audit reports and monitoring any follow up actions

- (e) Noting reports from the Director on expenditure falling outside the Joint Committee's Financial Regulations.
- (f) 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 on an annual basis.

Approved June 2015

Approved July 2016

Approved July 2017

Approved July 2018

Approved July 2019

[Approved July 2020]



# General Progress Report

1 April 2020 – 31 March 2021

## 1. Introduction: COVID-19 impact on enforcement / appeals

### 1.1.

This report provides an overview of Traffic Penalty Tribunal (TPT) statistics, trends and initiatives for the period 1 April 2020 to 31 March 2021. This period has seen a **47.9% decrease in penalty charge notices (PCNs) appealed**, when compared to the previous year.

### 1.2.

This significant impact on appeal activity is explained by the onset of and continuing COVID-19 pandemic restrictions from 26 March 2020. This included a two-month hold on appeal activity from 30 March 2020. While in the early days of COVID restrictions, enforcement was halted by many authorities, it started to increase as the first set of lockdown restrictions were eased towards the summer of 2020.

### 1.3.

Though appeals remain low in comparison to the same period in 2019/20, they are expected to rise with the planned relaxation of restrictions between March and June 2021, as mapped out in the UK Government's roadmap announced on 22 February. The launch of Clean Air Zones in Bath on (15 March) and Birmingham (1 June) are also expected to increase the numbers still further.

### 1.4.

The TPT has been well placed to respond to the pandemic, due to the 'Digital First' approach to its case management system and associated processes. Adjudicators have always been based from home and all administrative and office staff have been able to transfer seamlessly to home working. TPT staff have been able to continue to support appellants, respond to queries from authorities and receive new appeals, including registering appeals over the phone for those appellants who wish to proceed without going online.

## 2. Appeals summary, April 2020 – March 2021

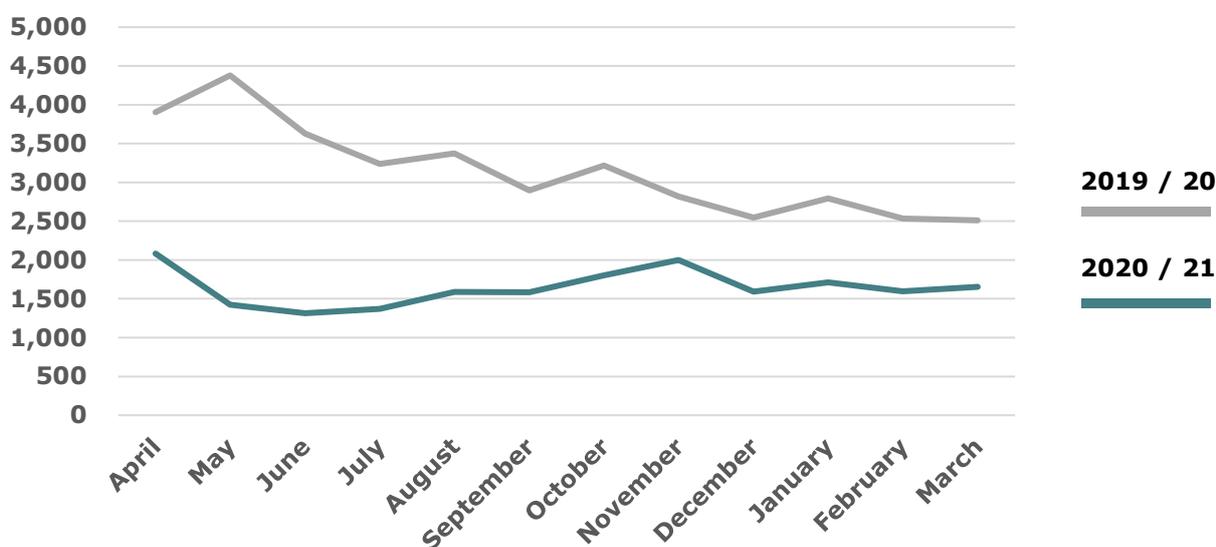
Please note: The figures within this section include all PCNs dealt with by the Tribunal. This includes Witness Statements referred to the Adjudicators following debt registration at the Traffic Enforcement Centre at Northampton County Court. The PCN figures will also include a small number of duplicated PCNs, and those PCNs not registered by the Adjudicator

### 2.1. PCNs appealed: All appeal streams

The below table and graph show all PCNs appealed to the Tribunal from 1 April – 31 March this year (2020/21) against figures for 2019/20. The figures for 2020/21 show a 47.9% decrease Year-on-Year (YOY).

	2019/20	2020/21
<b>April</b>	3,905	2,083
<b>May</b>	4,379	1,422
<b>June</b>	3,627	1,314
<b>July</b>	3,240	1,369
<b>August</b>	3,372	1,588
<b>September</b>	2,897	1,586
<b>October</b>	3,219	1,803
<b>November</b>	2,817	2,001
<b>December</b>	2,545	1,593
<b>January</b>	2,792	1,711
<b>February</b>	2,533	1,597
<b>March</b>	2,511	1,654
<b>TOTAL</b>	<b>37,837</b>	<b>19,721</b> <b>(-47.9% YOY)</b>

FIG 1: PCNs appealed: All appeal streams  
(Apr–Mar 2020/21 vs. 2019/20)



## 2.2. PCNs appealed: Specific appeal streams

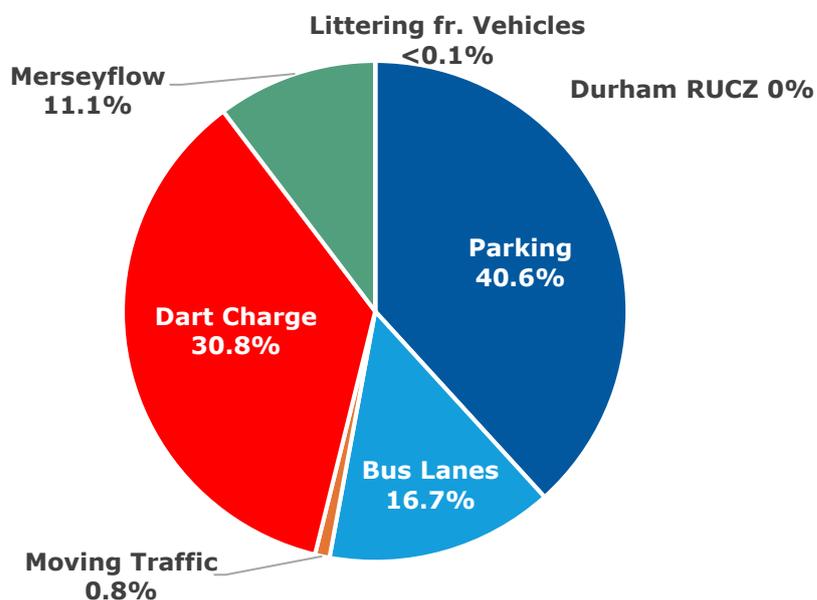
The below table breaks down all PCNs appealed to the Tribunal by separate appeal stream between 1 April – 31 March this year (2020/21). Totals for 2019/20 are included for comparison, together with the percentage increase or decrease Year-on-Year (YOY).

2020/21							
	Parking	Bus Lanes	Moving Traffic	Dart Charge	Merseyflow	Durham RUCZ	Littering fr. Vehicles
<b>April</b>	742	305	26	725	285	0	0
<b>May</b>	614	184	16	457	151	0	0
<b>June</b>	525	178	10	510	91	0	0
<b>July</b>	489	237	6	528	109	0	0
<b>August</b>	481	234	8	751	114	0	0
<b>September</b>	630	283	9	487	173	0	4
<b>October</b>	754	343	31	554	120	0	1
<b>November</b>	782	374	8	566	271	0	0
<b>December</b>	744	313	7	303	225	0	1
<b>January</b>	728	285	9	444	245	0	0
<b>February</b>	744	278	12	440	123	0	0
<b>March</b>	764	271	12	324	283	0	0
<b>TOTAL</b>	<b>7,997</b>	<b>3,285</b>	<b>154</b>	<b>6,089</b>	<b>2,190</b>	<b>0</b>	<b>6</b>
Totals for Apr-Mar 2019/20	12,529	5,632	195	8,534	10,943	0	4
	<b>-36.2% YOY in 2020/21</b>	<b>-41.7% YOY in 2020/21</b>	<b>-21.0% YOY in 2020/21</b>	<b>-28.7% YOY in 2020/21</b>	<b>-80.0% YOY in 2020/21</b>	<b>~ YOY in 2020/21</b>	<b>+50.0% YOY in 2020/21</b>

The decreases in PCNs appealed across all appeal streams can be attributed to the onset of COVID-19 restrictions (see Page 1), with fewer vehicles on the road, generally, and many authorities not enforcing restrictions.

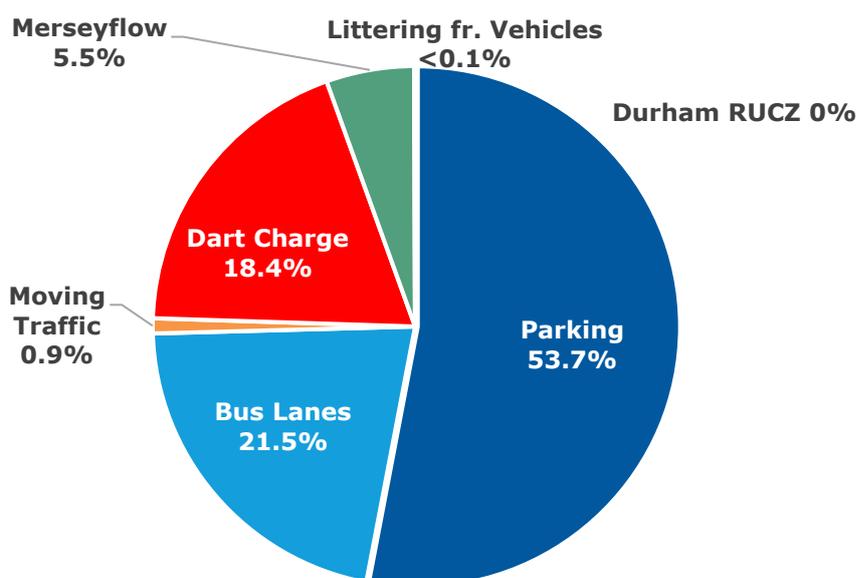
The pie chart below shows the types of appeal stream as a percentage of the total number of PCNs appealed to the Tribunal this year (2020/21).

**FIG 2: PCNs appealed by appeal stream, as percentage of total (Apr-Mar 2020/21)**



The pie chart below shows the types of appeal stream as a percentage of the total number of cases appealed to the Tribunal this year (2020/21). Cases may consist of more than one PCN, particularly in the case of the road user charging schemes.

**FIG 3: Cases by appeal stream, as percentage of total (Apr-Mar 2020/21)**



### 2.3. PCNS appealed: England

The below table provides a breakdown of PCNs appealed to the Tribunal from 1 April – 31 March this year (2020/21), which were issued from English Parking and Bus Lane schemes, as well as from Littering from Vehicles enforcement. Totals for 2019/20 are included for comparison, together with the percentage increase or decrease Year-on-Year (YOY).

2020/21			
	Parking England	Bus Lanes England	Littering from Vehicles
<b>April</b>	696	300	0
<b>May</b>	566	171	0
<b>June</b>	488	174	0
<b>July</b>	435	226	0
<b>August</b>	438	223	0
<b>September</b>	598	272	4
<b>October</b>	725	338	1
<b>November</b>	739	371	0
<b>December</b>	701	310	1
<b>January</b>	685	275	0
<b>February</b>	708	273	0
<b>March</b>	723	268	0
<b>TOTAL</b>	<b>7,502</b>	<b>3,201</b>	<b>6</b>
Totals for Apr-Mar 2019/20	11,669	5,392	4
	<b>-35.7% YOY in 2020/21</b>	<b>-40.6% YOY in 2020/21</b>	<b>+50.0% YOY in 2020/21</b>

## 2.4. PCNs appealed: Wales

The below table provides a breakdown of PCNs appealed to the Tribunal from 1 April – 31 March this year (2020/21), which were issued from Welsh Parking, Bus Lane and Moving Traffic schemes. Totals for 2019/20 are included for comparison, together with the percentage increase or decrease Year-on-Year (YOY).

2020/21			
	Parking Wales	Bus Lanes Wales	Moving Traffic Wales
<b>April</b>	46	5	26
<b>May</b>	48	13	16
<b>June</b>	37	4	10
<b>July</b>	54	11	6
<b>August</b>	43	11	8
<b>September</b>	32	11	9
<b>October</b>	29	5	31
<b>November</b>	43	3	8
<b>December</b>	43	3	7
<b>January</b>	43	10	9
<b>February</b>	36	5	12
<b>March</b>	41	3	12
<b>TOTAL</b>	<b>495</b>	<b>84</b>	<b>154</b>
Totals for Apr–Mar 2019/20	860	240	195
	<b>-42.4% YOY in 2020/21</b>	<b>-65.0% YOY in 2020/21</b>	<b>-21.0% YOY in 2020/21</b>

## 2.5. PCNs appealed: Dartford-Thurrock River Crossing ('Dart Charge') scheme – Charging Authority: Secretary of State for Transport

and

## Mersey Gateway Bridge Crossings ('Merseyflow') scheme – Charging Authority: Halton Borough Council

The below table provides a breakdown of PCNs appealed to the Tribunal from 1 April – 31 March this year (2020/21), which were issued from the Dart Charge and Merseyflow schemes. Totals for 2019/20 are included for comparison, together with the percentage increase or decrease Year-on-Year (YOY).

2020/21		
	Dart Charge	Merseyflow
<b>April</b>	725	285
<b>May</b>	457	151
<b>June</b>	510	91
<b>July</b>	528	109
<b>August</b>	751	114
<b>September</b>	487	173
<b>October</b>	554	120
<b>November</b>	566	271
<b>December</b>	303	225
<b>January</b>	444	245
<b>February</b>	440	123
<b>March</b>	324	283
<b>TOTAL</b>	<b>6,089</b>	<b>2,190</b>
Totals for Apr-Mar 2019/20	8,534	10,943
	<b>-28.7% YOY in 2020/21</b>	<b>-80.0% YOY in 2020/21</b>

## 2.6. PCNs appealed: Durham Road User Charge Zone ('Congestion Charge')

The below table provides a breakdown of PCNs appealed to the Tribunal from 1 April – 31 March this year (2020/21), which were issued from the Durham Road User Charge Zone (RUCZ). Totals for 2019/20 are included for comparison, together with the percentage increase or decrease Year-on-Year (YOY).

2020/21	
	Durham RUCZ
<b>April</b>	0
<b>May</b>	0
<b>June</b>	0
<b>July</b>	0
<b>August</b>	0
<b>September</b>	0
<b>October</b>	0
<b>November</b>	0
<b>December</b>	0
<b>January</b>	0
<b>February</b>	0
<b>March</b>	0
<b>TOTAL</b>	<b>0</b>
Totals for Apr-Mar 2019/20	0
	<b>~YOY in 2020/21</b>

## 2.7. PNs appealed: Littering from Vehicles: England

The below table provides a breakdown of PNs (Penalty Notices) appealed to the Tribunal from 1 April – 31 March this year (2020/21), issued by English authorities enforcing against Littering from Vehicles contraventions. Totals for 2019/20 are included for comparison, together with the percentage increase or decrease Year-on-Year (YOY).

2020/21	
	Littering from Vehicles
<b>April</b>	0
<b>May</b>	0
<b>June</b>	0
<b>July</b>	0
<b>August</b>	0
<b>September</b>	4
<b>October</b>	1
<b>November</b>	0
<b>December</b>	1
<b>January</b>	0
<b>February</b>	0
<b>March</b>	0
<b>TOTAL</b>	<b>6</b>
Totals for Apr-Mar 2019/20	4
	<b>+50.0% YOY in 2020/21</b>

## 3. Hearings

### 3.1.

The TPT's Fast Online Appeals Management (FOAM) system has transformed the handling of appeals, and this is particularly evident in the figures for Hearings. The ability to message, comment on evidence and request that extra evidence be uploaded within the FOAM system has meant that most cases can be resolved without a Hearing (through an 'e-Decision'). In addition, an appellant only has the option to request a Hearing once all the evidence is available to the parties, and the Adjudicators are able to review cases in advance to see whether a Hearing is actually required.

### 3.2.

The TPT has recently started a research project and pilot to identify and encourage appellants who would prefer to dial themselves into a Telephone or Video Hearing. Customer support will be provided to appellants who are unable to self-serve. This work has also involved the use of a new platform, Microsoft Teams. Further updates on this work will be included in a future report.

### 3.3.

The table below shows a breakdown of the different Hearing types (together with e-Decision) selected by appellants for 1 April to 31 March 2020/21, alongside figures for 2019/20.

Breakdown of decision method					
	TOTAL Cases	e-Decision	Face-to-face Hearing	Telephone Hearing	Video Hearing
<b>2020/21 (Apr-Mar)</b>	<b>13,295</b>	<b>11,911</b> (89.6% of total)	<b>0</b> (0% of total)	<b>1,338</b> (10.1% of total)	<b>46</b> (0.3% of total)
<b>2019/20 (Apr-Mar)</b>	<b>24,474</b>	<b>20,726</b> (84.7% of total)	<b>6</b> (~0.1% of total)	<b>3,711</b> (15.2% of total)	<b>31</b> (0.1% of total)

## 4. Case Closure

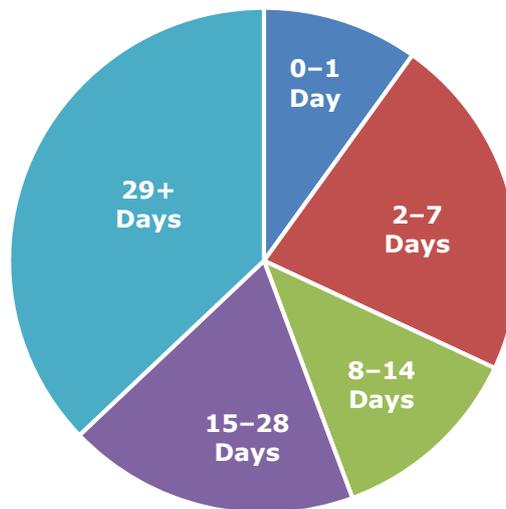
### 4.1.

Appealing to the Traffic Penalty Tribunal is a judicial process, and while it is not appropriate to set rigid timescales, the TPT's objective is to provide a Tribunal service that is user focused, efficient, timely, helpful and readily accessible. Case resolution times provide a window on the efficiency and usability of the online system, and associated improved business processes.

### 4.2.

The pie chart below shows appeal case closure times from 1 April to 31 March this year (2020/21).

**FIG 4: Case closure times (all decisions)**  
(Apr–Mar 2020/21)



- **9.72%** of cases were resolved in 0–1 day
- **20.79%** within 2–7 days
- **12.87%** in 8–14 days
- **20.60%** in 15–28 days
- **36.02%** in 29 days+

For comparison, case closure figures from April 2019 – March 2020 can be seen below:

- **12.36%** of cases were resolved in 0–1 day
- **20.83%** within 2–7 days
- **17.17%** in 8–14 days
- **23.42%** in 15–28 days
- **26.30%** in 29 days+

### 4.3.

It is understandable that cases that have a Hearing will take longer to be finalised. When appellants request a Hearing, the time to close their case will typically allow for a Hearing date 7–10 days away, and where Adjudicators are seeking to clarify aspects of a case using messaging, the time taken to close cases will also be affected.

## 5. Helping 'offline' appellants

### 5.1.

While more than 90% of all appeals to the TPT are submitted online through the Fast Online Appeals Management (FOAM) system, introduced in 2016, the TPT Customer Support team supports appellants who cannot or prefer not to submit their appeal online.

### 5.2.

For the small percentage of people who do find it initially difficult to go online, the TPT provides 'Assisted Digital' support. Assisted Digital at the TPT provides an active form of customer engagement with appellants to 'walk through' the online appeal submission process and / or complete it on their behalf (by 'proxy'). Contact with the TPT customer service team remains available throughout the process should it be required, including through instant messaging and Live Chat functionality within FOAM.

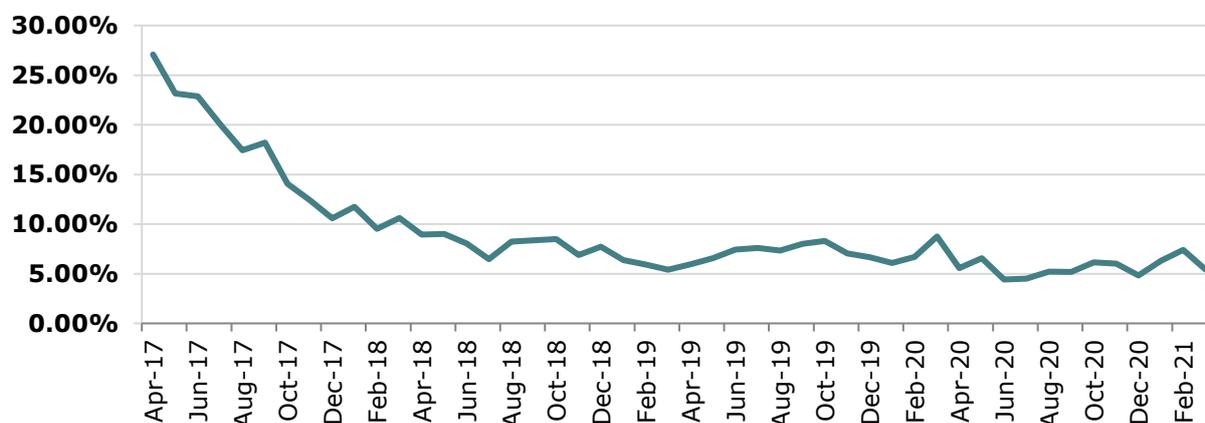
### 5.3.

This support has taken on a greater significance during the COVID-19 period. With TPT staff now working entirely remotely, in order to restrict the level of incoming and outgoing mail, efforts have been made to help those not appealing online still further, with cases being registered over the phone, rather than by post.

### 5.4.

While support is there for appellants who need it, the percentage of cases submitted by proxy has declined to low levels (reporting from April 2017, in the year after the introduction of FOAM), although this is regularly monitored.

**FIG 5: Percentage of proxy cases as a total of all appeals**  
(Apr 2017 – Mar 2021)



## 6. Live Chat

### 6.1.

In August 2018, a Live Chat facility was added to the appeal pages on the TPT website and within the Fast Online Appeals Management (FOAM) system.

### 6.2.

Live Chat has since become an extra channel for case-related enquiries and enhances the TPT's 'Assisted Digital' offer by being a useful support channel for appellant queries when creating their cases online. TPT customer services staff can:

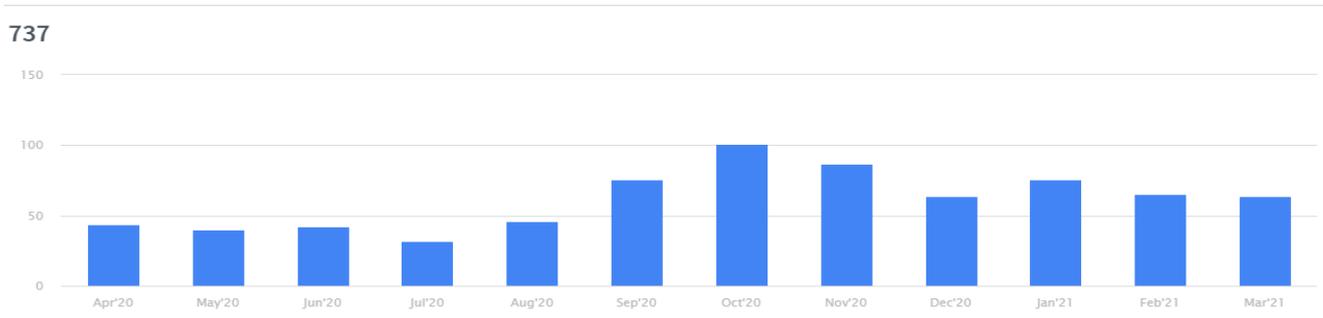
- add links to the chats, which can take appellants to the exact page they need to be in FOAM
- see the website pages the appellant has already viewed, and whether they already have a case.

Live Chat has continued to provide a useful and convenient means of contacting the Tribunal in the wake of COVID-19.

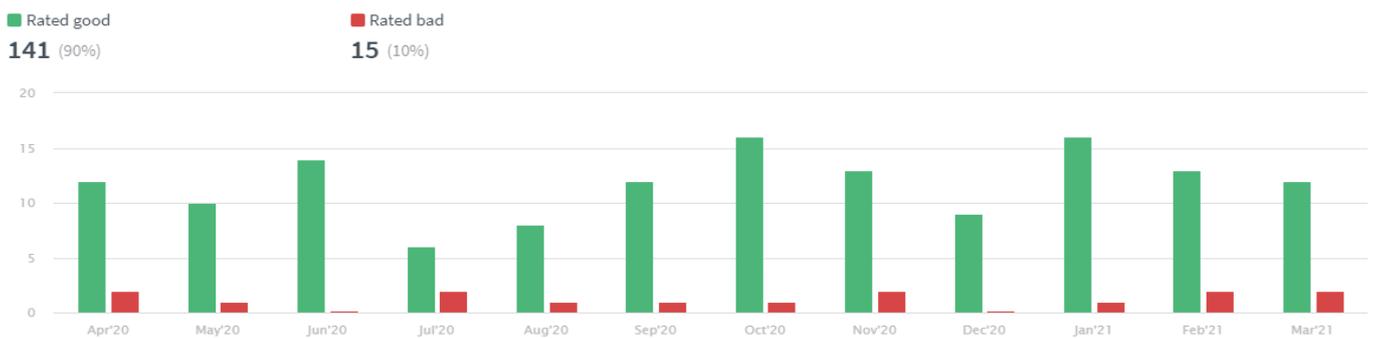
### 6.3.

Between April 2020 – March 2021, there have been a total of 737 Live Chats. A series of insights from these chats are presented below.

**FIG 6: Number of Live Chats by month  
(Apr–Mar 2020/21)**



**FIG 7: Chat satisfaction rating  
(Apr–Mar 2020/21)**



## FIG 8: Survey responses (Apr–Mar 2020/21)

### What is your query regarding? (794 answers)

Dropdown | Required

25.82% — Submitting my Appeal

26.32% — Parking PCN

12.72% — Bus Lane PCN

6.30% — Dart Charge PCN

4.16% — Merseyflow PCN

1.13% — Witness Statements

2.52% — Bailiff Action

7.05% — My Hearing

13.98% — General Enquiry

### Is this the first time you have chatted with us? (171 answers)

Choice list | Required

94.15% — Yes

5.85% — No

### Was the issue resolved during the chat? (171 answers)

Choice list | Required

63.74% — Yes

36.26% — No

### How would you have contacted us if Livechat wasn't available. (167 answers)

Choice list | Optional

55.69% — Phone

32.34% — Email

11.98% — Not at all

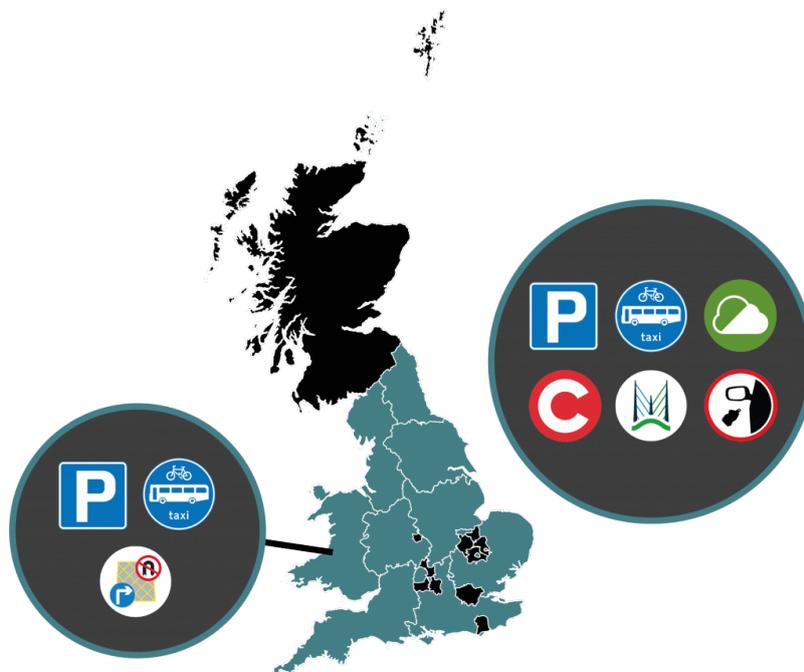
## Appendix: TPT Background

The Traffic Penalty Tribunal (TPT) decides motorists' appeals against Penalty Charge Notices (PCNs), issued by local authorities and charging authorities in England (outside London) and Wales, for parking and traffic contraventions.

This includes appeals against penalties issued by over 300 local authorities in England and Wales for parking, bus lane, Clean Air Zone, littering from vehicles and (in Wales only) moving traffic contraventions.

The TPT also sees appeals against penalties from a number of Road User Charging Schemes in England, including the:

- Dartford-Thurrock River Crossing ('Dart Charge') scheme, where the charging authority is the Secretary of State for Transport
- Mersey Gateway Bridge Crossings ('Merseyflow') scheme, where the charging authority is Halton Borough Council
- Durham Road User Charge Zone (Congestion Charge), where the charging authority is Durham County Council.



Appeals to the Traffic Penalty Tribunal are decided by part-time Adjudicators: all wholly independent lawyers, whose appointments are subject to the consent of the Lord Chancellor. The Adjudicators are supported by administrative staff, who provide customer support to appellants and help manage appeals. For convenience, the Adjudicators and administrative staff are described collectively as the Traffic Penalty Tribunal.

The independent TPT is funded by a Joint Committee of 300+ local authorities and charging authorities in England (outside London) and Wales. This Joint Committee is called Parking and Traffic Regulations Outside London (PATROL). The relationship between the TPT and the PATROL Joint Committee is derived from and governed by the *Traffic Management Act 2004* and *Transport Act 2000*, and the regulations made under the Acts. The TPT and PATROL have also established a Memorandum of Understanding, reviewed each year.

## PATROL and Bus Lane Adjudication Service Joint Committees Resources Working Group and Sub-Committee

### Item 5

Date of meeting: 24 June 2021

Report of the Director

# PATROL

## Public Affairs Update June 2021

### 1. Current traffic management issues

#### a. The impact of COVID-19 on transport

- Ministers have confirmed that they will not be updating guidance on the NHS Parking Pass at the current time.
- *The Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020* simplified the process of introducing Traffic Regulation Orders to support temporary schemes. In 2020, the Department for Transport (DfT) – working with PA Consulting – produced the Policy Alpha Report *Traffic Regulation Orders: Identifying improvements to the legislative process in England*. This is a study into the processes and practices, including recommendations for improvements, of making Traffic Regulation Orders. Access the report at the link below:

<https://www.gov.uk/government/publications/traffic-regulation-orders-identifying-improvements-to-the-legislative-process-in-england>.

It is anticipated that the DfT will be consulting further on Traffic Regulation Orders during the course of 2021. A review of the Traffic Regulation Order making process was also a recommendation in the Wales Pavement Parking Task Force Group Report, which reported last year.

## b. Pavement Parking

- **Wales:** PATROL is contributing to the development of Operational and Statutory Guidance for the proposed new civil contravention of obstruction.
- **England (outside London):** PATROL continues to await an update from the government following its recent consultation:

<https://www.gov.uk/government/consultations/managing-pavement-parking/pavement-parking-options-for-change>

## c. Moving Traffic Powers in England (outside London)

- PATROL has written to the Secretary of State for Transport, offering to assist him and his civil servants in the introduction of these new powers, which are anticipated in 2021. It is anticipated that four new statutory instruments will be required, statutory guidance will be updated and local authorities will be required to apply for a designation order.
  - This activity follows the publication of the Government's *Gear Change A bold vision for cycling and walking* strategy ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf)), which includes the intention to commence the remaining powers of Part 6 of the *Traffic Management Act 2004*.
- In April, Caroline Sheppard OBE, Chief Adjudicator of the Traffic Penalty Tribunal provided comments to the government on its draft *Civil Enforcement of Road Traffic Contraventions (General Provisions) (England) Regulations 2021* and *Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2021*, as well as the procedure for adjudicators.

## d. Simplifying the *Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007*

- The importance of reviewing the higher level codes was set out in PATROL's response to the Ministry of Housing, Communities and Local Government's (MHCLG's) consultation on the *Parking code enforcement framework consultation*. See: [https://www.patrol-uk.info/wp-content/uploads/2020/10/MHCLG-Parking-Code-Enforcement-Framework-Consultation\\_PATROL-Response\\_121020.pdf](https://www.patrol-uk.info/wp-content/uploads/2020/10/MHCLG-Parking-Code-Enforcement-Framework-Consultation_PATROL-Response_121020.pdf)

### **e. The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020**

- PATROL will be issuing guidance to local authorities on the Tribunal's approach to the new regulations and how they will impact the enforcement of Penalty Charge Notices (PCNs) and the process of appeals. This will be accompanied by an engagement session with local authorities, due to take place in late May 2021, following the introduction of the new regulations.

### **f. The Parking (Code of Practice) Act 2019**

- MHCLG published its response to the *Parking code enforcement framework* consultation in March (<https://www.gov.uk/government/consultations/parking-code-enforcement-framework/outcome/parking-code-enforcement-framework-consultation-response>). The main outcomes of the response are as follows:
  - The idea of a single appeals service is supported and the government intends that the Code of Practice will require the use of an appeals service appointed by the Secretary of State (expected to go live in mid-2022).
  - The Code of Practice will be complete and the transition period to allow operators to adapt to the new requirements started before Summer 2021.
  - A Scrutiny and Oversight Board will be appointed in Summer 2021. It will be an advisory panel to MHCLG and will carry out the functions proposed in the consultation.
  - Private parking charges will be brought into closer alignment with Local Authority PCNs, including its system of 50% discounts for early payment and the distinction between London and Outside London.
  - Operators will be required to sign up to a single Appeals Charter.
  - The government is supportive of the principle, reflected in the Parking (Code of Practice) Act 2019, that the industry should contribute towards the costs of the new Code, its enforcement and the appeals service.

### **g. Responding to the challenge of electric vehicles**

- The Department for Transport and Office for Zero Emission Vehicles (OLEV) consulted on the consumer experience at public electric vehicle chargepoints between 13 February and 10 April (<https://www.gov.uk/government/consultations/the-consumer-experience-at-public-electric-vehicle-chargepoints>). A response is expected Autumn 2021.
- In March, OLEV confirmed the continuation of the 'electric vehicle homecharge scheme' (EVHS), 'workplace charging scheme' (WCS) and 'on street residential chargepoint scheme' (ORCS) for another year. More at: <https://www.gov.uk/government/news/update-on-the-infrastructure-grants-schemes>.

## **h. House of Commons Transport Committee**

- Ongoing inquiries of interest include:
  - **Reforming public transport after the pandemic**  
(<https://committees.parliament.uk/work/470/reforming-public-transport-after-the-pandemic/>)
  - **Zero emission vehicles and road pricing**  
(<https://committees.parliament.uk/work/900/zero-emission-vehicles-and-road-pricing/>).

## **i. Other recent Departmental news, consultations, publications and statements of interest**

- **MHCLG, 22 February:**  
*Statement from Robert Jenrick, Secretary of State, on proposals for the creation of new unitary authorities*  
<https://questions-statements.parliament.uk/written-statements/detail/2021-02-22/HCWS785>
- **Defra, 9 March:**  
*News on Air Quality Grants to fund local projects for cleaner air*  
<https://www.gov.uk/government/news/5-million-boost-for-local-authorities-to-tackle-air-pollution>
- **DfT, 15 March:**  
*Statement from Grant Shapps, Secretary of State, on new National Bus Strategy*  
<https://hansard.parliament.uk/commons/2021-03-15/debates/23CE4D18-4636-40CD-B20F-56BE8F8E14EC/NationalBusStrategyEngland>
- **DfT, 28 April:**  
*News on Automated Lane Keeping System technology meaning self-driving vehicles could be used on British roads*  
<https://www.gov.uk/government/news/government-paves-the-way-for-self-driving-vehicles-on-uk-roads>

## 2. Rollout of Clean Air Zones in England (outside London)

- The first Clean Air Zone (CAZ) launched in the city centre of Bath on 15 March 2021. The Tribunal has since received its first appeal against a penalty charge issued from the scheme.
- PATROL has created a Clean Air Zone Implementation Forum to encourage local authorities, at different stages of implementing CAZ or Zero Emission Zone (ZEZ) schemes, to share their experiences and learnings with each other in a dedicated meeting. There have been two such sessions to date, with feedback positive.

### Overview of confirmed local authority CAZ plans (as of w.c. 10 May 2021)

Location	Zone class	Current status
<b>Bath</b>		<ul style="list-style-type: none"> <li>• Zone launched 15 March 2021.</li> </ul>
<b>Birmingham</b>		<ul style="list-style-type: none"> <li>• Launch scheduled for 1 June 2021.</li> </ul>
<b>Bradford</b>		<ul style="list-style-type: none"> <li>• Launch expected from January 2022.</li> </ul>
<b>Bristol</b>		<ul style="list-style-type: none"> <li>• Launch expected from October 2021.</li> </ul>
<b>Manchester</b> (Greater Manchester Combined Authority)		<ul style="list-style-type: none"> <li>• Final plans expected to be signed off by Summer 2021.</li> <li>• Launch expected from Spring 2022.</li> </ul>
<b>Newcastle, Gateshead and North Tyneside</b>		<ul style="list-style-type: none"> <li>• Launch planned for 1 January 2022 at earliest.</li> </ul>
<b>Oxford</b>		<ul style="list-style-type: none"> <li>• Pilot zone in heart of city centre planned for launch August 2021; with possible wider extension in Spring 2022.</li> </ul>
<b>Portsmouth</b>		<ul style="list-style-type: none"> <li>• Launch expected from November 2021.</li> </ul>

### 3. Improving public information on civil enforcement and the PACER Awards\*

# PATROL

## PACER Awards

Promoting Awareness of  
Civil Enforcement through Reporting

- House of Commons event for 2021 PACER Awards currently pencilled in for Tuesday 13 October. Event planning continues, with final confirmation on the date and format still under discussion, taking into account potential COVID-19 disruption.
  - Huw Merriman, MP for Bexhill and Battle and Chair of Transport Committee confirmed to speak at event.
- Annual Reports 'long list' being reviewed internally by PATROL team, ahead of consideration by the independent Review Group in coming months.
- Engagement currently underway with group of local authorities to ascertain the perceived value and ongoing benefits of the awards programme.

\* Previously, the Parking Annual Reports by Council (PARC) Award

## PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES Executive Sub Committees

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**Date of Meeting:** 13<sup>th</sup> July 2021

**Report of:** The Director in consultation with Resources  
Working Group

**Subject/Title:** Risk Register

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**1. Report Summary**

The report presents the current assessment of risk.

**2. Recommendation**

To note the current assessment of risk (Appendix 1).

**3. Reasons for Recommendations**

To report on arrangements for identifying, managing and reporting risk

**4. Financial Implications**

As reported within this report and financial reports on the agenda.

**5. Legal Implications**

None

**6. Risk Management**

Provides a framework for risk management.

**7. Background and Options**

The Risk Register is set out at Appendix 1

**8. Access to Information**

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

Name: Laura Padden  
Designation: Director  
Email: [lpadden@patrol-uk.info](mailto:lpadden@patrol-uk.info)

## Appendix 1

# Risk Management Framework

## 1. Introduction

This report provides a summary of the most significant threats facing the Joint Committees which may prevent or assist with the achievement of its objectives.

It is the role of the Joint Committee’s Resources Working Group and Sub Committee to review the report prior to consideration by the Joint Committees or their Executive Sub Committees. This review aims to provide assurance on the adequacy of the risk management framework and internal control environment. Risk management is not about being risk averse, it is about effectively managing risks that could affect the achievement of objectives and ensuring that an appropriate risk culture is in place.

A risk is concerned with a threat, or a possible future event, which will adversely or beneficially affect the Joint Committee’s ability to achieve its objectives. Risk management is central to good governance and is all about people making the best decision at all levels within the organisation.

A strong risk framework:

- Strengthens governance effectiveness
- Provides a focusing mechanism
- Balances the scale of risk and reward
- Enables better decision making

## 2. Corporate Risks

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 that 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.”*

There are presently five threats on the Corporate Risk Register. These are currently measured as being “low” or “medium” scale risks. The classification of risk is set out below.

### 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

### **3. Background to Corporate Risks:**

Local authorities who undertake civil parking and bus lane enforcement are required by statute to make provision for independent adjudication. The relationship between the adjudicators and the Joint Committee is derived from and governed by the Traffic Management Act 2004 and, in the case of the Bus Lane Adjudication Service Joint Committee, the Transport Act 2000.

The main function of the Joint Committee is to provide resources to support independent adjudicators and their staff who together comprise the Traffic Penalty Tribunal. The tribunal's appeal streams include:

- Parking
- Bus Lanes
- Moving Traffic (Wales only)
- Road User Charging (Dartford-Thurrock River Crossing, Mersey Gateway Bridge Crossing and Charging Clean Air Zones)
- Littering from vehicles

The objectives of PATROL include:

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

The relationship between the adjudicators and the PATROL and Bus Lane Adjudication Service Joint Committees is underpinned by a Memorandum of Understanding. The overriding principle of this memorandum is that the adjudicators are independent judicial office holders exercising a judicial function.

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.

### **4. Review**

The Director is responsible for coordinating the review of the Risk Management Framework and reporting to the Joint Committee's Officer Advisory Board and the Resources Working Group and Sub Committee whose terms of reference include the review of risk. Following this scrutiny, the Risk Management Framework is reported to the PATROL and Bus Lane Adjudication Service Joint Committees or their Executive Sub Committees.

Additional assurance is provided by Internal and External Audit. PATROL and the Bus Lane Adjudication Service is not required to prepare and publish audited accounts but does so to promote transparency.

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## Risk Register 2020/2021

Date Last Reviewed:

7th May 2021

Risk No.	Risk	Risk Description including impact	Risk Owner	Rating	Direction	Comments
CR1	Inability to meet demand for service	Cause) The tribunal provides a statutory function which is available to all vehicle owners who receive a Notice of Rejection of Representations in respect of specified penalties. (Threat) the tribunal is unable to meet its statutory obligations (impact) appellants are unable to appeal penalties	Chief Adjudicator and Stakeholder Manager.	4		The net risk rating is 4 (low). The tribunal has a fully scalable online system and a flexible adjudicator and staffing model. The online process is complimented by assisted digital support for appellants who are unable to make their appeal on line. The tribunal continues to refine and develop the online system in response to user feedback. The tribunal has demonstrated a seamless transition to homeworking for staff in response to Covid-19 which has also seen a reduction in appeals. A further assessment of adjudicator requirements is currently underway.
CR2	Lack of Financial Resilience	(Cause)The basis for defraying Joint Committee expenses is based on variable rather than fixed charges. This means that the Joint Committee must manage unforeseen significant fluctuations in either Income or Costs such that (threat) Reserves are significantly eroded and (impact) financial obligations cannot be met.	Director and Central Services Manager	10		This rating reduced from 15 to 10. This reflects increased experience of the impact of the pandemic on enforcement, the preservation of approved reserves during 2021/22 and the planned introduction of new appeal streams. Whilst a degree of uncertainty remains, expenditure and use of free and approved reserves will be strictly monitored.
CR3	Loss of Data Integrity	(Cause) The Tribunal operates an on-line appeal system to improve the quality and flexibility for tribunal users. Support systems are also underpinned by a range of technologies. With this deployment of technologies, the risk of security breaches increases. This could result in the inability of IT to support the needs of the organization and users such that (threat) the statutory service is not accessible to all and (impact) appeals cannot be adjudicator online.  Potential breach of General Data Protection Regulations 2016 and Data Protection Act 2018	Director and Stakeholder Manager	9		This rating remains unchanged - medium. A range of security monitoring features, data management procedures and training are being reviewed/deployed in the light of GDPR and DPA 2018. These measures have been reviewed in light of homeworking.  The data impact of the UK leaving the EU is being kept under review and hosting of the appeal system has transferred from the EU to UK.

CR4	<b>Lack of Resource Planning</b>	(Cause) Insufficient adjudicator or staff resources to support the needs of the organisation such that (threat) the organisation is unable to meet its statutory obligations and (impact) the quality or timeliness of the adjudication process, administrative standards or the achievement of development objectives compromised	Chief Adjudicator & Director	4		<p>This rating remains at 4 in the light of reduced appeals during 2020/21.</p> <p>A further assessment of adjudicator and staff requirements is currently underway in the light of Clean Air Zones. Scalability modelling is also currently underway based on current forecasting data.</p>
CR5	<b>Lack of preparation for business continuity</b>	(Cause) that an internal or external incident occurs which renders the organisation unable to utilise part or all of its infrastructure such that (impact) the organisation is unable to deliver some or all of its services resulting in (impact) reduced accessibility to our service.	Central Services Manager & Stakeholder Engagement Manager	5		<p>This rating remains at 5 and reflects the flexibility demonstrated in moving from an office based to remote workforce with no unplanned loss of service. Planned technology upgrades have taken place to further support business continuity.</p> <p>A detailed DR plan to mitigate risk is held and reviewed each quarter. This is accessible to all managers and has clearly defined responsibilities. This plan is regularly reviewed.</p>

## PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

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**Date of Meeting:** 13<sup>th</sup> July 2021  
**Report of:** The Director on behalf of the Resources Working Group and Sub Committee  
**Subject/Title:** Review of Governance Documentation

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### 1.0 Report Summary

1.1 This report presents governance documentation and arrangements for review.

### 2.0 Recommendations

2.1 That the Joint Committees:

- i) To note the extension to the arrangements with the Host Authority to coincide with the lease agreement to September 2024.
- ii) Note the Schemes of Delegation to the Chief Adjudicator and Director (Appendix 1 and 2) which remain unchanged.
- iii) Note the Approves the Memorandum of Understanding between the Adjudicators and the Joint Committee (Appendix 3 – see Section 4).
- iv) Appoints persons to fulfil the function of the proper officer under the relevant regulations
- v) Notes the proposed cycle of meetings for 2021/22

14<sup>th</sup> October 2021 Executive Sub Committee  
25<sup>th</sup> January 2022 Executive Sub Committee  
12<sup>th</sup> July 2022 Annual Joint Committee

### 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 Joint Committees approved changes to the agreements following the change of Host Authority to Cheshire East Council. The Joint Committee obtained approval from the required 75% of participating councils and the new agreement took effect on 3 December 2014.

7.2 The main agreement is under review to ensure that the Joint Committee and Traffic Penalty Tribunal can respond to emerging areas of appeal.

7.3 Schedule 6 of the agreement makes reference to the development of a non-binding service level agreement (SLA) between the Joint Committee and the Lead Authority. An SLA to cover the second term (2018 to 2023) has been entered into with Cheshire East Council (CEC). This has enabled CEC to enter into a new lease for the premises at Springfield House. Since then, the break clause was activated in February 2021 and a new lease entered into for three years. To support this extension, a Notice of Variation has been entered into with Cheshire East Council to September 2024.

7.4 The Joint Committee is asked to note the Scheme of Delegation to the Chief Adjudicator (Appendix 1) and to the Director (Appendix 2) which remain unchanged.

7.5 The Memorandum of Understanding (Appendix 3) between the Adjudicators and the Joint Committees is presented. This document will be reviewed with the introduction of new appeal streams.

## **8.0 Access to Information**

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

Name: Laura Padden

Designation: Director

Email: [lpadden@patrol-uk.info](mailto:lpadden@patrol-uk.info)

## **Appendix 1**

### **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.

## Appendix 2

### **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.

**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

Reviewed and approved at Joint Committee July 2017

Reviewed and approved at Joint Committee July 2018

Reviewed and approved at Joint Committee July 2019

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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) The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 [S.I. 2013 No. 1783]
  - d) The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) (Amendment) Regulations 2014 [S.I. 2014 No. 81]

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 of 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 to the Dartford-Thurrock and Mersey Gateway Crossings. From January 2020 they will also apply to road user charging appeals arising from penalties issued by Charging Authorities in connection with Charging Clean Air Zones. Regulation 13 requires the charging authorities to meet the expenses incurred in supporting the adjudicators in performing their functions, including providing a 'proper officer'.

Regulation 18 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 provides that Adjudicators appointed by virtue of regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 by the Joint Committee are the adjudicators for littering from vehicles appeals.

4.3 Where charging authorities are not members of the Joint Committee, the arrangements set out in 4.2 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.

## 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.

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

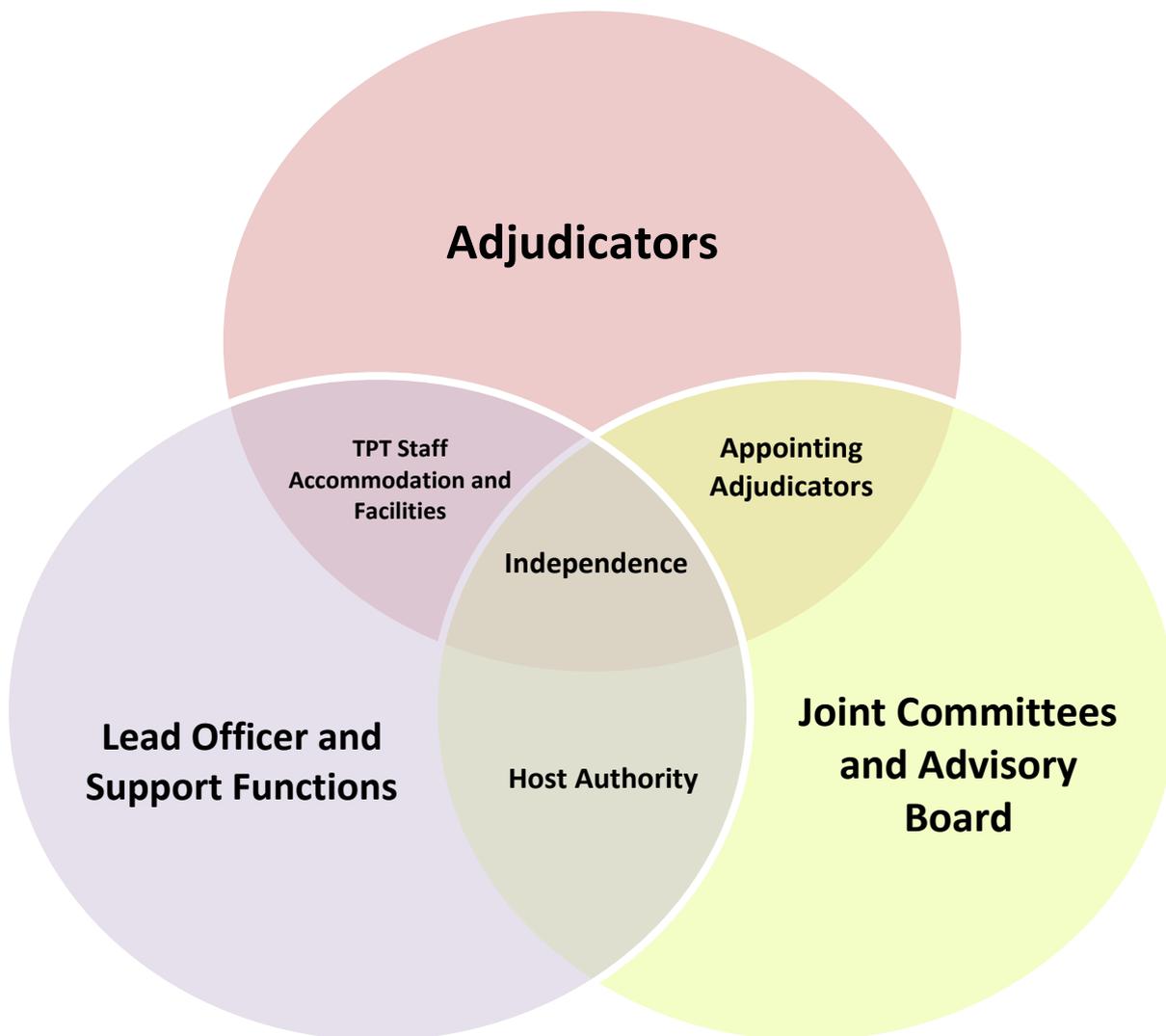


**Fig 1. Provision of Services to Adjudicators**



**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**

## **PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES**

**Date of Meeting:** 13<sup>th</sup> July 2021

**Report of:** The Director 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 2021/2022

### **2.0 Recommendation**

2.1 That the Joint Committees adopts the terms of reference and composition of the Advisory Board set out in the Appendix to this report.

2.2 Approves the following:

a) The appointment of Michael Clarke of City of Stoke on Trent to the Advisory Board for a period of four years until the Joint Committees' annual meetings in July 2025.

b) The extension of Graham Addicott OBE as an Independent Member to July 2022.

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

**7.4** At the meetings held in July 2019 the Joint Committee confirmed appointments to the Advisory Board. These are detailed in the attached document.

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

## Appendix 1

### **PATROL AND Bus Lane Adjudication Service Joint Committees' 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).
  - Regulation 18 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

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**

The following local authority members were appointed by the Joint Committees and retire as set out below.

#### **July 2021**

City of Stoke on Trent	Michael Clarke	Bus Lane Authority
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#### **July 2022**

Hampshire	Marc Samways	English Shire
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#### **July 2023**

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

#### **July 2024**

B&NES Council	Chris Major	Clean Air Zones
Brighton & Hove City Council	Paul Nicholls	Unitary Authority
Carmarthenshire Council	Richard Waters	Welsh 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. Dana Bourne is currently 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 July 2021. The Joint Committee is asked to approve an extension until July 2022.

### **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 has appointed Michael Clarke of City of Stoke on Trent.

### **Recommendations**

The below named are appointed for a four-year period to July 2024

Brighton & Hove City Council (re-appointment)	Paul Nicholls	Unitary Authority
Carmarthenshire Council (new appointment)	Richard Waters	Welsh Authority