

PATROL Adjudication Joint Committee

Agenda

Date: Tuesday, 18th October, 2016
Time: 11.00 am
Venue: The Hoare Memorial Hall, Church House Westminster, Dean's Yard, London SW1P 3NZ

1. **Appointment of Chairman and Vice Chairman of the Executive Sub Committee**

To appoint a Chairman and Vice Chairman until the next meeting of the Joint Committee in July 2017.

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 27th January 2016** (Pages 1 - 6)

To approve the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held 27th January 2016.

5. **Minutes of the meeting held 12th July 2016** (Pages 7 - 18)

To note the minutes of the PATROL Adjudication Joint Committee held 12th July 2016.

6. **Chair's Update**

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

Contact: Louise Hutchinson, Director
Bus Lane Adjudication Service Joint Committee
Springfield House, Water Lane, Wilmslow, SK9 5BG
Tel: 01625 445565
E-Mail: lhutchinson@patrol-uk.info

7. **Greater London Authority tender for the Provision of Appeals Services to Central London Congestion Charging and Low Emission Zone Schemes** (Pages 19 - 22)

To inform members of the above tender opportunity and actions taken to respond to this.

8. **PATROL AND BLASJC Resources Working Group and Sub Committee** (Pages 23 - 26)

To report on the resolutions from the PATROL and BLASJC Resources Working Group and Sub Committee's meeting held on 13th September 2016.

9. **Audit Commission Small Bodies Annual Return for the Year Ended 31 March 2016** (Pages 27 - 46)

To note the completion of the audit of accounts for 2015/16 and review the updated Scheme of Financial Delegation.

10. **Budget Monitoring 2016/17** (Pages 47 - 52)

To note the income, expenditure and reserves position at 31st July 2016.

11. **Review of PATROL Reserves Policy** (Pages 53 - 58)

To review the current level of and demands on the reserves.

12. **Risk Register** (Pages 59 - 66)

To note the latest review of the Risk Register.

13. **Chief Adjudicator update**

To receive a report from the Chief Adjudicator.

14. **Presentation on the Traffic Signs Regulations and General Directions (TSRGD) 2016 by Simon Morgan of Buchanan Computing**

To present an overview of the new TSRGD.

15. **"A protocol for local authorities delivering waiting and loading restrictions required for development."** (Pages 67 - 84)

To note the Department for Transport consultation running until 28th October 2016.

16. **Wales Update**

To note the progress of civil enforcement regulations in Wales.

17. **Presentation on the roll out of FOAM (Fast Online Appeal Management) by Iain Worrall, Authority Engagement Manager**

To provide information on the roll out of the online appeal system to authorities.
18. **General Progress Report (Pages 85 - 94)**

To provide general information in respect of the tribunal's activities for the period to 30th June 2016.
19. **Appointment to the Advisory Board (Pages 95 - 98)**

To approve an appointment to the Advisory Board.
20. **Dates of next meetings**

31st January 2017
11th July 2017

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Minutes of a meeting of the **PATROL Adjudication Joint Committee**
held on Wednesday, 27th January, 2016 at The Westminster Room, The
Local Government Association, Local Government House, Smith Square,
London, SE1P 3HZ

PRESENT

Councillor Jamie Macrae (Cheshire East Council) in the Chair

Councillors

| | |
|-----------------|--------------------------------------|
| Graham Beale | Wychavon District Council |
| Richard Bell | Sunderland City Council |
| Graham Burgess | Hampshire County Council |
| Peter Cooper | Carmarthenshire County Council |
| Simon Cronin | Worcester City Council |
| Richard Davies | Lincolnshire County Council |
| K Dollimore | Adur District Council |
| Clive English | Maidstone Borough Council |
| Jon Gambold | Bedford Borough Council |
| Saoirse Horan | Brighton & Hove City Council |
| Stuart Hughes | Devon County Council |
| Terry Douris | Hertfordshire County Council |
| Gary Jones | East Hertfordshire Council |
| Malcolm Kennedy | Liverpool City Council |
| Stuart Kinch | Lincolnshire County Council |
| Nigel Knapton | Hambledon District Council |
| Geraint Owens | City and County of Swansea |
| Tony Page | Reading Borough Council |
| Marje Palling | Gedling Borough Council |
| David Payne | Newark and Sherwood District Council |
| John Reilly | Trafford Council |
| Ian Ward | Isle of Wight Council |

Officers in attendance

| | |
|---------------------|--|
| Graham Addicott OBE | Independent Member Vice-Chair Advisory Board |
| Mark Samways | Advisory Board (Hampshire County Council) |
| Jo Abbott | Independent Member Advisory Board |
| George Broughton | Advisory Board (Cheshire East Council) |
| Caroline Sheppard | Chief Adjudicator |
| Louise Hutchinson | Director PATROL |
| Jon McEvoy | Carmarthenshire County Council |
| Paul Nicholls | Brighton and Hove City Council |
| John Keighren | Traffic Penalty Tribunal |
| Iain Worrall | Traffic Penalty Tribunal |
| Andy Diamond | PATROL |
| Cherry Foreman | Cheshire East Council |

37 APOLOGIES FOR ABSENCE

The apologies for absence were reported.

38 DECLARATION OF INTEREST

There were no declarations of interest.

39 MINUTES OF THE MEETING HELD ON 27 OCTOBER 2015

RESOLVED

That the minutes of the meeting be approved as a correct record.

40 CHAIR'S UPDATE

The Chairman announced that Councillor Alastair Black (Maidstone Borough Council) had recently passed away; he welcomed his successor, Councillor Clive English, and a number of others for whom it was their first meeting. A brief update was given on the progress of staff restructuring at PATROL; of the continuing discussions concerning Road User Charging at the Runcorn Bridge Crossing being added to the on-line appeal system; and of planned workshops to be held around the country to build on the success of the annual report toolkit.

41 WALES UPDATE

On behalf of Councillor Cooper of Carmarthenshire, the Director of PATROL gave an update on Bus Lane and Moving Traffic Contraventions in Wales and Pavement Parking which, it was agreed, should be circulated to Members following the meeting.

RESOLVED

1. That the report be noted.
2. That the Wales Briefing be circulated by email to all Members.

42 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE

Consideration was given to a report on the PATROL and BLASJC Resources Sub Committee and Working Group meeting held on 7 January. A number of matters with resources implications had been considered including the review of the management structure, the introduction of a scheme of delegation for the Chief Executive of Cheshire East Council to the Director, and research and public affairs projects.

The Chairman highlighted the outcomes from the Working Group meeting, which were detailed in the report, and confirmed that a full report on the Public Affairs Workshop held that day would be circulated in due course; attention was, however, drawn to the increased focus to be made on increasing the profile of PATROL and the Adjudicator Service with Government bodies, and concentrating on certain key issues such as pavement parking.

RESOLVED

1. That the resolutions of the Resources Sub Committee on 7 January be noted.
2. That approval be given for the Resources Sub-Committee and Working Group to oversee the matters highlighted in the report and to report back to the next meeting of the Joint Committees or their Executive Sub Committees.

43 CHIEF ADJUDICATOR'S UPDATE

The Chief Adjudicator extended her thanks to Brighton & Hove City Council which has assisted in the testing of the latest version of the on-line appeal system which was due to go live shortly. The Adjudicators had worked hard to introduce this new initiative which would enable the results of appeals to be read on line, but with an additional print facility. The records would also provide a useful register of work and results.

It was reported that use of the on-line system was being looked at by the Courts as part of their own process of reform. The Chief Adjudicator had been invited to join the Justices Working Party, which was looking at reforming the Courts, with an intention of much of the work being done on-line in the future.

Attention was drawn to the consultation paper on 'Simplifying the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007, for which the closing date for responses was 16 February. PATROL intended to respond as a body on behalf of its 300 members but each Local Authority was asked to ensure that it made its own response and it was agreed that full details be circulated to all Parking Managers for comment.

Other updates were given on the success of the on-line system in dealing with the DART charge, and the increasing speed with which appeals could now be dealt with.

RESOLVED

That the update be noted and details of the DfT consultation be circulated to all Local Authority Parking Managers.

44 BUDGET MONITORING 2015/16

Consideration was given to the income, expenditure and reserves monitoring information for the year to 30 November, and to the projected outturn for the end of the current financial year.

The Director summarised the position as being favourable in the light of the overall reserves position. With reference to the Dartford River Crossing it was reported that the current surplus was ring-fenced and discussions were due to be held in the near future to consider both the current position and arrangements for the next financial year.

RESOLVED

That the income and expenditure reserves at 30 November 2015, together with the projected outturn for 2015/16 be noted.

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

Councillor J Macrae declared a non prejudicial interest in this item by virtue of being a Member of Cheshire East Council.

Consideration was given to the Service Level Agreement (SLA) with Cheshire East Council (the Host Authority) for 2016/17. A review of the services provided had been undertaken and it was reported at the meeting that the annual charge had reduced by £2,880; the provision of additional services in respect of printing and postage fell outside the SLA.

RESOLVED

That the variations to the Service Level Agreement for 2016/17 be approved and that Cheshire East Council be reimbursed for its services.

46 REVENUE BUDGETS FOR 2016/17

The Revenue Budget for 2016/17 was considered, based on an assessment of the likely service uptake and the associated Adjudicators, administrative support and accommodation needed; adjustments to the presentation of the budget for adjudication expenses were explained.

In preparing the budget account had been taken of the key objectives for 2016/17 including raising the awareness of the right to appeal and the benefits of the on-line portal, building on the Annual Report Award toolkit and commissioning research from Birmingham University on understanding appellant actions at the point of receiving a Notice of Rejection of Representations. The budget had been based on a charge of 45p across the board per penalty charge notice.

RESOLVED

That approval be given to the Revenue Budget for 2016/17 as set out in the report.

47 RESERVES POLICY STATEMENT

The Sub-Committee reviewed the Reserves Policy Statement for the Joint Committee for 2016/17. It was recommended that the Resources and Technology Reserve be maintained at the same level of £250,000 to support the roll out of the new portal to all authorities.

RESOLVED

1. That approval be given to the Reserves Policy Statement for 2016/17 and to the total approved reserve level for 2016/17 of £1,458,161.

2. That approval be given to the balances of any surplus from 2015/16 being carried forward to 2016/17.
3. That the Chair and the Vice-Chair of the Adjudication Joint Sub-Committee be given delegated authority to authorise the withdrawal of funds from reserves to meet budgetary deficits.

48 ANNUAL INVESTMENT STRATEGY

Consideration was given to a report on investments during 2015/16 and to the Annual Investment Strategy for 2016/17. The report included details of the investment, cash flow, and deposit arrangements all of which were informed by the joint Committee's Risk Management Strategy.

RESOLVED

That the Annual Investment Strategy 2016/17 be approved.

49 DEFRAYING THE EXPENSES OF THE JOINT COMMITTEE 2016/17

The Joint Committee reviewed the options set out in the report for defraying its expenses in proportion to the number of penalty charge notices (PCNs) issued in 2016/17.

The PATROL agreement provided for the adjudication service to be operated on a self financing basis with expenses defrayed by member authorities; this also supported the reserves position. In considering the basis for defraying the expenses for 2016/17 options of 40p or 45p per PCN had been considered, or of maintaining the current contribution of 45p and reviewing the position in July and October 2016. The current charge for Road User Charging Appeals was 55p per PCN and the report detailed the outcome in the event of this being reduced to 45p in the coming year.

RESOLVED

1. That approval be given to a charge of 45p per PCN for all categories and that the position be reviewed in July and October 2016.
2. That approval be given to there being no annual charge, nor cost per case.
3. That approval be given to the principle of introducing a cost per case charge in-year where a Council chooses not to engage with the appeal portal once it is available to all councils and that this will be preceded by a report to the Joint Committee or its Executive Sub Committee.
4. That invoicing be undertaken on a quarterly basis on estimated figures and subsequently adjusted.
5. It be noted that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agrees that the incidental costs of making a transcription from the audio recordings of the proceedings at a hearing

be charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.

50 RISK REGISTER

In accordance with the Joint Committees Risk Management Strategy consideration was given to the latest review of the Risk Register.

RESOLVED

That the latest review of the Risk Register be noted.

51 APPOINTMENT TO THE ADVISORY BOARD

Consideration was given to the appointment of Ian Hughes of Calderdale Council to the Joint Committee as the Metropolitan Council representative on the Advisory Board. The Terms of Reference of the Board were attached for information.

RESOLVED

That approval be given to the appointment of Ian Hughes to the Advisory Board.

52 GENERAL PROGRESS AND SERVICE STANDARDS

Consideration was given to a summary of appeals activity for the seven month period to 31 October 2015. The Joint Committee had a set of performance standards one of which included appeals handled in both the legacy case management system and on the on-line portal case management system BECK (Best Evidence Cloud Knowledge). As all appeals would soon be transferred to BECK it was proposed that a revised framework for reporting be considered at the Joint Committees annual meetings in July.

Information was given for parking appeals, bus lane appeals (excluding Wales), and total appeals including and excluding Dart Charge, along with feedback on the three types of hearings namely E-decision, telephone and face to face hearings.

RESOLVED

That the summary of appeals information be noted.

53 DATE OF NEXT MEETING

RESOLVED

That the next meeting be held on 12 July 2016 at Church House Conference Centre at the slightly earlier than usual time of 11.00 am.

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

PRESENT

Councillor Jamie Macrae (Cheshire East Council) in the Chair

Councillors

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

Officers in attendance

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

Professor John Raine Birmingham University

1 APPOINTMENT OF CHAIRMAN, VICE CHAIRMAN AND ASSISTANT CHAIRMAN

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

RESOLVED

That the following appointments be made:

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

2 APOLOGIES FOR ABSENCE

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

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 MINUTES OF THE MEETING HELD 23RD JUNE 2015

RESOLVED

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

5 MINUTES OF THE MEETING HELD 27TH JANUARY 2016

RESOLVED

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

6 CHAIRMAN'S UPDATE

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

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

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

served on the Committee for many years and whose nomination had recently ended.

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

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

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

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

RESOLVED

That the report be noted.

7 REPORT OF THE PATROL AND BLASJC RESOURCES WORKING GROUP

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

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

RESOLVED

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

8 APPOINTMENT OF AUDITORS

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

RESOLVED

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

9 DRAFT ANNUAL RETURN 2015/16

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

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

RESOLVED

1. That the outturn position against the 2015/16 budget, shown in Appendix 1 of the report, be noted.

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

10 REVIEW OF BASIS FOR DEFRAYING EXPENSES FOR 2016/17

Consideration was given to the report of the Director, in consultation with the PATROL and BLASJC Resources Working Group, on the basis for defraying expenses in 2016/17. The PATROL agreement provided for the adjudication service to be operated on a self-financing basis with expenses defrayed by member authorities; the basis for defraying expenses since the inception of PATROL in 1991 was given.

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

RESOLVED

It was approved that:

1. A reduction from 45 to 40 pence per PCN (excluding Dart Charge) be the basis for defraying expenses with effect from 1 April 2016 and that there be a further review in October 2016 in the light of six months' income and expenditure for 2016/17.
2. There will be no annual charge, nor cost per case.
3. A cost per case charge in-year be introduced where a council chooses not to engage with the appeal portal once it is available to all councils. This will be preceded by a report to the Joint Committee or its Executive Sub-Committee.
4. Invoicing will be undertaken on a quarterly basis on estimated figures and subsequently adjusted.

5. The decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental costs of making a transcription from the audio recordings of the proceedings at a hearing is charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.

11 PATROL ADJUDICATION JOINT COMMITTEE FINANCIAL REGULATIONS 2016/17

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

Active Documents, BDO, Cheshire East Council, Clara Net, Emerson Management Services, Forrest, Four Colman Getty, Gardner Systems PLC, Jadu, Log Me In, Morgan Hunt, NABARRO, NB Colour Print, O2, PA Consulting, Pangea Systems, Pitney Bowes, QA Ltd, Resolver, Sarah Perry Recruitment, Senitor Recruitment, Softworks, Sopra, Thomson Reuters, University of Birmingham and Xerox Finance.

RESOLVED

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

12 REVIEW OF GOVERNANCE DOCUMENTATION

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

RESOLVED

That:

1. The variation in the PATROL Adjudication Joint Committee Agreement dated 3 December 2014, and the variation to the Standing Orders, shown at Appendix 1 of the report, be approved.
2. The Service Level Agreement between the Joint Committee and the Host /Lead Authority, shown at Appendix 2 of eh report, be noted.
3. The Schemes of Delegation to the Chief Adjudicator and Director, shown at Appendix 3 and 4 of the report, be noted.

4. The updated Memorandum of Understanding between the Adjudicators and the Joint Committee, shown at Appendix 5 of the report, be approved.
5. Persons be appointed to fulfil the function of the Proper Officer under the relevant regulations.
6. That the following dates be noted.

18 October 2016

31 January 2017

11 July 2017

13 RISK MANAGEMENT AND BUSINESS CONTINUITY

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

RESOLVED

That

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

14 WALES UPDATE

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

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

RESOLVED

That the report be noted.

15 CHIEF ADJUDICATOR'S UPDATE

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

It was reported that as appeal numbers increased it was necessary to maintain adjudicator capacity. It was anticipated that by the end of August the majority of the large councils would be on line with smaller councils by the end of the year.

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

RESOLVED

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

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

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

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

16 PRESENTATION

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

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

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

RESOLVED

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

17 GENERAL PROGRESS AND SERVICE STANDARDS

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

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

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

RESOLVED

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

18 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEE

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

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

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

RESOLVED

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

19 APPOINTMENTS TO THE ADVISORY BOARD

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

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

RESOLVED

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

20 PATROL ANNUAL REPORT AWARD

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

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

The winners were announced as being

Best overall report: Brighton & Hove City Council
Best concise report: Borough of Broxbourne

Best practice reporting:
Trafford Council: Innovation and new services
Nottingham City Council: Customer service

RESOLVED

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

21 ROAD USER CHARGING SCHEME - MERSEY GATEWAY

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

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

RESOLVED

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

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PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 18th October 2016

Report of: The Director on behalf of the Resources Sub Committee and Working Group

Subject/Title: **Greater London Tender for the Provision of Appeals Services to Central London Congestion Charging and Low Emission Zones Schemes (Road User Charging Appeals)**

1.0 Report Summary

1.1 To update the Executive Sub Committee on this tender opportunity.

2.0 Recommendation

2.1 To note the actions taken

3.0 Reasons for Recommendations

3.1 To inform Members

4.0 Financial Implications

4.1 None at this time

5.0 Legal Implications

5.1 None at this time

6.0 Risk Management

6.1 The tender response was formulated taking into account potential risks and mitigating actions.

7.0 Background and Options

7.1 Transport for London (TfL) on behalf of the Greater London Authority (GLA), launched an ITT for the "Provision of Appeals Services to Central London Congestion Charging and Low Emission Zone Schemes". London Councils

currently holds this contract which it delivers through a sub-contracting relationship with Northgate Public Services.

- 7.2 The Traffic Penalty Tribunal currently handles road user charging appeals in respect of the Dartford River Crossing and Durham City Peninsular and will also provide adjudication for road user charging penalties arising from the Mersey Gateway scheme in Autumn 2017.
- 7.3 A summary of the London service requirement is: appropriate accommodation, infrastructure, security and systems as well as an appropriate level of customer service, which will include a web site, contact centre, electronic communication, administration support to all parties to the appeal and meet the legal requirements of the service.
- 7.4 The primary reason for bidding for this work is that it is conducive and incidental to the discharge of functions delegated by Members to PATROL i.e. it serves to provide economies of scale to the provision of the support service to Adjudicators. It also provides an accessible and consistent appeals process to the public who receive penalties in a range of enforcement regimes for failing to pay a road user charge. PATROL and TPT are ideally placed to deliver this service to the London RUCA Adjudicators.
- 7.5 Information concerning the tender opportunity was circulated to the PATROL and BLASJC Resources Sub Committee and Working Group and following feedback from this and two conference calls on the 3rd and 9th August involving the PATROL Chair Councillor Jamie Macrae, the BLASJC Chair Councillor Tony Page and the PATROL Assistant Chair Councillor Terry Douris, the Director, Louise Hutchinson, Chief Adjudicator, Caroline Sheppard, Finance & Central Services Manager, Anna Scarisbrick, and Peter Stickland (external consultant supporting the bidding process), it was agreed by Members on the conference call on 9th August that a qualified tender be submitted to provide the service on a full cost recovery basis. A tender submission was made ahead of the deadline of 15th August 2016.
- 7.6 In submitting the proposal the following has been assumed:
- The contract will need to be self-supporting with no cross subsidy from the PATROL Joint Committee.
 - Should TPT be asked to deliver this project, the Joint Committee will need to understand the liabilities arising from TUPE
 - Should TPT be asked to deliver this project, the mobilisation and initial delivery period would need to have sufficient project management resources to ensure that it did not impact on the Joint Committee's key objectives of all authorities having access to and being trained on FOAM by the end of the year and preparation for the Mersey Gateway appeals in Autumn 2017.
- 7.7 The submission for this five year contract (with an option to extend a further two years) can be summarised as:

- A support service operating on the same basis as TPT – i.e. supporting remote working adjudicators who will use adhoc hearing venues in and around London providing flexibility for the appellant and reduced costs for the GLA rather than the current permanent office/hearing base in central London
- FOAM (Fast Online Appeal Management) will be adapted to the flow of Road User Charging Appeals in London to provide online appeals. The dedicated customer service team will be based in Wilmslow.
- In addition to a Mobilisation and Transition Project Manager, the Adjudicator Liaison function will be undertaken by Deputy Chief Adjudicator, Stephen Knapp, responsibility for the delivery of the service will rest with the Contract Manager (the Operations Manager Erica Maslen) and training and support for TfL as respondent authority will be provided by the Authority Engagement Manager, Iain Worrall.

7.8 The tender timetable as currently published (but already one week behind due to extended deadline) is:

| | |
|--|--|
| 15 th August | Submission |
| 16 th August to 1 st September | Evaluation period and post tender presentation |
| 30 th September | TfL/GLA recommendation & award sign off |
| October | Contract and mobilisation |
| 1 st January 2017 | Contract go live and service delivery. |

7.9 At the time of writing, other than a series of follow up questions from the Greater London Authority, no formal notification has been received in terms of the outcome of their tender evaluation.

8.0 Recommendation

The Joint Committee's Executive Sub Committee is asked to note the tender submission.

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

| | |
|-------------------------|---|
| Date of Meeting: | 18 th October 2016 |
| Report of: | The Director on behalf of the PATROL and BLASJC Resources Working Group. |
| Subject/Title: | Report of the PATROL and BLASJC Resources Working Group meeting held 13 th September 2016. |

1.0 Report Summary

- 1.1 To report on the PATROL and BLASJC Resources Working Group meeting held 13th September 2016.

2.0 Recommendations

- 2.1 To note the matters discussed at the meeting held 13th September 2016.
- 2.2 To approve the Resources Sub Committee and Working Group overseeing matters highlighted in the report and reporting back to the next meeting of the Executive Sub Committees.

3.0 Reasons for Recommendations

- 3.1 To update the Joint Committees' Executive Sub Committees

4.0 Financial Implications

- 4.1 The Resources Working Group and Sub Committee considered financial issues reported to this meeting.

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

- 6.1 None

7.0 Background and Options

- 7.1 The July 2016 meetings of the Joint Committees resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives with resources implications on its behalf..
- 7.2 The last meeting took place on 13th September 2016 chaired by Councillor Macrae and considered the following:

a) **Greater London Authority tender for the provision of appeals services to Central London Congestion Charging and Low Emission Zone Schemes.**

Following previous discussions and sanction to submit a tender, noted that a decision was awaited from the Greater London Authority on the outcome of their tender evaluation process.

b) **Other potential areas of adjudication**

Noted that in addition to new appeals arising from road user charging at the Mersey Gateway that other potential areas for appeals included: clean air zones, vehicle littering, school absences and domestic waste penalties.

c) **Public Affairs**

- Noted the progress since the beginning of 2016 in raising PATROL's profile as an efficient service provider; champion of transparency & best practice; consumer champion; problem solver; thought leader and champion of innovation.

Steps had included: the second annual report awards reception in parliament hosted by David Rutley MP attended by a number of MPs including Mike Penning MP, the Bus Lane Conference held at the London Transport Museum, the Traffic Penalty Tribunal case study in the Justice report "What is a court?" The report describes the tribunal as **"a compelling example of the use of digital case management systems... at the forefront of reform embracing new technology and methods of working."** and a call to give evidence to the All Party Parliamentary Group for Alternative Dispute Resolution and PATROL demonstrating support the "Strengthening Local Transparency" agenda through the PATROL annual report initiative and the toolkit template for financial and statistical information. The Chief Adjudicator and a representative from the Advisory Board had also contributed to the Department for Transport round table on pavement parking.

- Noted that an officer working group will be convened to explore the issues surrounding the use of ANPR (Automatic Number Plate Recognition) in local authority car parks.

d) **FOAM (Fast Online Appeals Management)**

- Noted the progress of the roll out to authorities with 50% of appeals (excluding Dart Charge) being handled by FOAM and that workshops are being held regionally to support authorities in their transfer to FOAM.

e) **Finance and HR matters**

- Noted the details of the internal audit findings and management response in relation to "low priority" audit recommendations.
- Noted procurement falling outside the Joint Committees' Financial Regulations
- Reviewed the financial papers being presented to the Joint Committees' Executive Sub Committees

- Reviewed the risk register being presented to the Joint Committee's Executive Sub Committees.
- Noted that the Communications Manager had left the organisation. It was not proposed to immediately appoint to the vacancy. Specialist suppliers are providing support in the interim.

7.3 It is proposed that the Resources Working Group and Sub Committee oversee the above matters and report back to the January 2017 meetings of the Joint Committee Executive Sub Committees.

8.0 Recommendation

8.1 To note the matters discussed at the meeting held 13th September 2016.

8.2 To approve 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.

9.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

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PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 18th October 2016
Report of: The Lead Officer on behalf of the Resources Working Group
Subject/Title: Audit Commission Small Bodies Annual Return for the Year Ended 31 March 2016

1.0 Report Summary

- 1.1 To report the findings of the external auditors for 2015/16 and to seek approval of the review of the Scheme of Financial Delegation first approved at the meeting in October 2015.

2.0 Recommendation

- 2.1 To note the findings of the external audit for 2015/16 in the enclosed annual return (Appendix 1) and note that save for recommendations relating to the presentation of Section 2 of the return, there were no issues arising from audit.
- 2.2 To approve the PATROL and Bus Lane Adjudication Service local Scheme of Financial Delegation (Appendix 2)

3.0 Reasons for Recommendations

- 3.1 Compliance with PATROL Financial Regulations and response to an internal audit recommendation.

4.0 Financial Implications

- 4.1 Set out in the report

5.0 Legal Implications

- 5.1 None at this time

6.0 Risk Management

- 6.1 Internal and external audit findings provide assurance to the Joint Committee on financial management.

7.0 Background and Options

- 7.1 The Joint Committee approved the draft annual return for 2015/16 at its meeting on 12th July 2016.
- 7.2 At the same meeting, the Joint Committee approved the appointment of BDO LLP to audit the annual return of the Joint Committee. The final audited return is shown at Appendix 1.
- 7.3 There are no issues arising save for points of presentation as shown in Section 2 of Appendix 1.
- 7.4 A local Scheme of Financial Delegation was approved at the Joint Committee's October 2015 meeting. This has been reviewed and is presented at Appendix 2.
- 7.5 There is no requirement for the Joint Committee to publish accounts from 2015/16 onwards however at the Joint Committee meeting in June 2015, it was determined that this would continue.

8.0 Access to Information

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

Name: Louise Hutchinson
Designation: Director
Tel No: 01625 445566
Email: lhutchinson@patrol-uk.info

Joint Committees

Return for the financial year ended 31 March 2016

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 2016, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to us, BDO LLP, by the due date.

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

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

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

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

Section 1 – Governance statement 2015/16

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 2016, that:

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

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

MINUTE REFERENCE
9/16

Date 12/07/2016

Signed by:

Chair *W Jansz*

Date 12/07/2016

Signed by:

Clerk *A H*

Date 12/07/2016

*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 2015/16 for

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE
LONDON ADJUDICATION JOINT COMMITTEE

| | Year ending | | Notes and guidance |
|--|--------------------|--------------------|---|
| | 31 March 2015 £ | 31 March 2016 £ | |
| | | | 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. |
| 1 Balances brought forward | 2,452,731 | 2,430,906 | 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 | 3,085,885 | 3,951,284 | Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here. |
| 4 (-) Staff costs | 1,902,611 | 1,818,374 | 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 | 1,205,099 | 1,066,564 | 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 | 2,430,906 | 3,497,252 | 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 | 2,300,343 | 3,674,980 | 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 2016 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:

SIGNED
P. Brady

Date

29/06/16

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

12 07 2016

and recorded as minute reference:

MIN 9/16 REFERENCE

Signed by Chair of meeting approving these accounting statements:

SIGNED
H. J. Lawrence

Date

12 07 2016

Section 3 – External Report 2015/16 Certificate

We present the findings from our review of the return for the year ended 31 March 2016 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 2016; 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 ^{2 March 2016} [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

[Handwritten signature]

BDO LLP

26/9/16

Section 4 – Annual internal audit report 2015/16 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 2016.

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

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

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

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

*See Internal Audit Report.

These are agreed - additional notes per Appendix B of the Internal Audit Report.

Name of person who carried out the internal audit:

MICHAEL TODD NAME

Signature of person who carried out the internal audit:

 SIGNED

Date: 29/06/2016

*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 2015/2016 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 2015) equals the balance brought forward in the current year (Box 1 of 2016).
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 2016 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? | ✓ |

APPENDIX 2



PATROL and Bus Lane Adjudication Service Scheme of Financial Delegation

Contact Details: Louise Hutchinson
Version / Date: October 2016

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 (Appendix 4 and 5).

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, | Stephen Knapp |
| Operations Manager | Operations Functions including departmental staffing budget, technology (infrastructure, hardware and software), hearings and local authority engagement. | Erica Maslen |
| Central Services Manager | Central Services functions including departmental staffing, premises, staff training | Anna Scarisbrick |
| Communications and Public Affairs Manager | Communications including departmental staffing design and print and event management. | Vacant |
| Director | Senior salaries, Joint Committee initiatives, expenditure from approved reserves, consultancy and legal advice and other expenditure not falling within the above delegations. | Louise Hutchinson |

ii) Changing the Service budget in year

| Manager | Budget Area | Approval Limit |
|----------------|--------------------|-----------------------|
| Director | All | £25,000 |

iii) Planning future years budgets

| | |
|-----------------|---|
| Responsibility: | Director and Central Services Manager in conjunction with budget managers set out above |
|-----------------|---|

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.

| Role / Position of approver | Department |
|------------------------------------|-----------------------------------|
| Business Manager | Central Services |
| Technology Manager | Operations |
| Appeals Manager | Operations |
| Communications Officer | Communications and Public Affairs |

ii) Purchase Cards

| Card Holder (Role) | Transaction & Monthly Limit | Approver (Role) |
|------------------------------------|--|--------------------------------------|
| Central Services Manager | £10,000 | Director or Operations Manager |
| Operations Manager | £10,000 | Director |
| Business Manager | £10,000 | Central Services Manager or Director |
| Technology Manager | £5,000 | Operations Manager or Cent Serv Mgr |
| Projects Officer | £10,000 | Operations Manager or Cent Serv Mgr |
| Appeals Manager | £5,000 | Operations Manager or Cent Serv Mgr |
| Executive Assistant | £10,000 | Central Services Manager or Director |
| Local Authority Engagement Manager | £5,000 | Operations Manager or Director |

iii) Imprest Accounts

The Joint Committee does not currently operate an imprest account. 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"> • Staff appointments* • Promotions | 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 |
| Authorise Redundancies/Early Retirements | Applies across all grades | Director in conjunction with Joint Committee and CEC | As above |

| Area of Delegation | Limit (Grade / £) | Designated Authorising Officers | Notes |
|---|-------------------------------|--|----------|
| Authorise Payments: <ul style="list-style-type: none"> • Staff Overtime Claims • Staff Expense Claims | 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 |

4 Management of Assets

| Area of Delegation | Limit (£) | Designated Authorising Officers |
|---|-----------|--|
| Maintenance of Asset Inventory | | Central Services Manager and Operations Manager (technology) |
| 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 | . |

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 | |

7 Performance Management

| | |
|---|-------------------------------|
| Responsibility for maintaining Performance Management System: | Director & Operations Manager |
|---|-------------------------------|

8 Risk Management

| | |
|--|-------------------------------------|
| Responsibility for maintaining Risk Management System: | Director & Central Services Manager |
|--|-------------------------------------|

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 | Central Services Manager/Business Manager |

Scheme of Financial Delegation
Service Name: PATROL and BLASJC

Contact Details: Louise Hutchinson
Version and date: V1 September 2016

| | |
|---------------------------|---|
| Safety Policy | |
| Key holders/Secure Access | Central Services Manager/Business Manager |

12 Other

| | |
|--|---------------------------------|
| Business/Service owner of relevant policies/procedures (e.g. regular maintenance/update) | Central Services Manager |
| Service/Area specific Instructions/Regulations | Adjudicators/Operations Manager |

13 Approval

| | |
|---|---------------------------------------|
| Scheme of Delegation – Approved by | <u>Executive Sub Committee</u> |
| Date of approval | <u>October 2016</u> |
| Evidence of approval held by | <u>Minutes of the meeting</u> |

14. Review

This scheme will be reviewed on an annual basis.

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PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting 18th October 2016
Report of: The Director
Subject/Title: Budget Monitoring 2015/16

1.0 Report Summary

1.1 To present income, expenditure information for the year to 31st July 2016.

2.0 Recommendations

2.1 To note the income and expenditure and reserves at 31st July 2016.

2.2 To continue to monitor the 2016/17 income and expenditure position at January 2017.

3.0 Reasons for Recommendations

3.1 Compliance with Financial Regulations

4.0 Financial Implications

4.1 Set out in the report.

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 Budget monitoring forms part of the Risk Register.

7.0 Background and Options

7.1 The budget was approved for the year 2016/17 at the meeting of the Executive Sub Committee held 27th January 2016.

7.2 This report provides the Committee with the expenditure position at 31st July 2016 (Appendix 1).

7.3 The Tribunal is operated on a self-financing basis with income obtained from defraying expenses amongst the Joint Committee member authorities or through the provision of adjudication services through a Memorandum of Understanding.

- 7.4 The revenue budget estimate was established by the Joint Committee for 2016/17 on the basis that this would reflect the councils who were already members of the Joint Committee.
- 7.5 The Joint Committee forecasting model takes account of recent income trends (i.e. within the last 12 months)
- 7.6 The Joint Committee's income is derived from a pre-estimate of the number of PCNs each council will issue. Corrections are applied at the 6 month and 12 month points once the actual number of PCNs issued is known.
- 7.7 Should it be the case that there is a need for greater expenditure than that provided for in the approved budget, then there is a recommendation to authorise the Director to incur additional expenditure, provided such expenditure does not exceed the income for the current year.
- 7.8 Should it be the case that the revenue account falls into deficit then the surplus from previous years is available.
- 7.9 Should there be greater income than expenditure in the year then there is a recommendation that this is reviewed at each meeting.

8.0 Income

- 8.1 Parking income at 31st July 2016 is showing a favourable variance of £82,669 which is due predominantly to the annual correction of total PCN volumes in 2015-16 (see point 7.6), where PCN volumes were underestimated by approximately five per cent.
- 8.2 Income from road user charging at Dartford is showing an under achievement of £23,499.
- 8.3 There is also an underachievement in respect of the re-charge from the Bus Lane Adjudication Service Joint Committee (£11,539).
- 8.4 Bank interest income was favourable to budget by £1,834 due to close monitoring of treasury deposits. Interest is expected to reduce as the year progresses, however, due to less favourable rates being offered following the cut in interest rates in August 2016.

9.0 Expenditure

- 9.1 Adjudication expenditure is showing a favourable variance to budget of £84,445.
- 9.2 Staffing expenditure is showing an adverse variance to budget of £32,388 (10%) primarily due to the in-year need for temporary resource for the introduction and transition to the online appeals system (FOAM) and consequent appeal management across three systems.

- 9.3 Supplies and Services expenditure is favourable to budget by £4,084 (2%).
- 9.4 General IT expenditure is adverse to budget by £3,110 (3%).
- 9.5 Charges for the Host Authority and Audit are as expected.
- 9.6 The overall effect of favourable income and favourable expenditure is an in-year surplus at 31 July 2016 of £178,205, a favourable variance to budget of £112,009.
- 9.7 Of this total surplus, £10,559 is ring-fenced surplus in respect of road user charging on account of road user charging appeals being lower than forecast.

10.0 Full Year Outturn Forecast

- 10.1 Note that the income in April to June was based on a PCN charge of 45 pence. At the Joint Committee Meeting of July 2016 it was agreed that the PCN charge would be reduced to 40 pence and backdating for the first quarter would apply. The reason for this reduction was due to the prior year surplus and therefore a contribution from reserves was required to fund this reduction. The Dart Charge PCN charge remains at 45 pence.
- 10.2 The reduction in the PCN charge has a small impact on the July result as it was spread over the whole of quarter two (July to September) in line with accounting principles.
- 10.3 The full year outturn is provided in appendix 1. A deficit of £54,785 is anticipated at this stage in the year.
- 10.4 Parking income is expected to be adverse to budget by £195,376. This is due to the reduction in the PCN charge to 40 pence causing an adverse variance to budget / contribution from reserves £263,608, partially offset by effect of the prior year audit adjustment. This was due to the estimated invoiced PCNs in the second half of 2015/16 being lower than anticipated (see 8.1).
- 10.5 RUCA income is forecasted to be adverse to budget by £55,247 due to the lower than anticipated volume of PCNs issued in the first quarter. This lower rate is expected to continue through the rest of the year.
- 10.6 Expenditure is forecast to be £55,129 favourable to budget. Adjudicator fees, expected to be favourable to budget by £105,641, were lower than budgeted in the first quarter but will step up as the year progresses. Supplies and services are anticipated to be favourable to budget by £67,478. Expenditure

on temporary administration resource to support the transition to FOAM will continue for the remainder of the year.

11.0 Recommendations

- 11.1 To note the income and expenditure and reserves at 31 July 2016.
- 11.2 To continue to monitor the 2016/17 income and expenditure position at January 2017.

12.0 Access to Information

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

Name: Louise Hutchinson
Designation: Director
Tel No: 01625 445566
Email: lhutchinson@patrol-uk.info

Appendix 1: PATROL Budget Monitoring Apr to Jul 16/17

| | Year to Date | | | | Full Year | | | |
|--|------------------|------------------|----------------|---------------|------------------|------------------|------------------|-------------------|
| | 31.07.16 | 31.07.16 | 31.07.16 | 31.07.16 | 2016/17 | 2016/17 | 2016/17 | 2015/16 |
| | Actual | Budget | Var to Budget | Var to Budget | Forecast Outurn | Full Year Budget | Var to Budget | Prior Year Result |
| Income | | | | | | | | |
| Parking Income | 710,309 | 627,640 | 82,669 | 13.2% | 1,687,547 | 1,882,923 | (195,376) | 2,117,054 |
| Other Income | 0 | | 0 | 0.0% | 38,700 | | 38,700 | 20 |
| Bank Interest | 5,834 | 4,000 | 1,834 | 45.8% | 12,000 | 12,000 | 0 | 12,085 |
| RUCA Income | 426,501 | 450,000 | (23,499) | -5.2% | 1,294,753 | 1,350,000 | (55,247) | 1,473,141 |
| Recharge for Bus Lane Adjudication Costs | 130,265 | 141,804 | (11,539) | -8.1% | 417,967 | 425,421 | (7,454) | 348,984 |
| Total Income | 1,272,908 | 1,223,444 | 49,464 | 4.0% | 3,450,967 | 3,670,344 | (219,377) | 3,951,284 |
| Expenditure: | | | | | | | | |
| Adjudicators | 376,991 | 461,436 | 84,445 | 18.3% | 1,323,778 | 1,429,419 | 105,641 | 996,056 |
| Staff | 361,444 | 329,056 | (32,388) | -9.8% | 1,109,300 | 959,480 | (149,820) | 890,917 |
| Premises / Accommodation | 53,254 | 58,812 | 5,558 | 9.5% | 160,726 | 176,450 | 15,724 | 160,093 |
| Transport | 12,499 | 17,388 | 4,889 | 28.1% | 35,121 | 52,180 | 17,059 | 50,871 |
| Supplies and Services | 179,272 | 183,356 | 4,084 | 2.2% | 454,187 | 521,665 | 67,478 | 341,811 |
| IT | 93,610 | 90,500 | (3,110) | -3.4% | 269,740 | 271,586 | 1,846 | 325,683 |
| Services Management and Support | 16,700 | 15,000 | (1,700) | -11.3% | 45,000 | 45,000 | 0 | 49,544 |
| Audit Fees | 933 | 1,700 | 767 | 45.1% | 7,900 | 5,100 | (2,800) | 2,660 |
| Contingency | 0 | 0 | 0 | 0.0% | 100,000 | 100,000 | 0 | (5,198) |
| Total Expenditure | 1,094,703 | 1,157,248 | 62,545 | 5.4% | 3,505,751 | 3,560,880 | 55,129 | 2,812,438 |
| Surplus / (Deficit) | 178,205 | 66,196 | 112,009 | 169.2% | -54,785 | 109,464 | -164,249 | 1,138,846 |
| | | | | | | | 0 | |
| Breakdown of Surplus | 178,205 | | | | -54,785 | | | |
| PARKING | 167,646 | | | | -114,544 | | | |
| RUCA | 10,559 | | | | 59,759 | | | |

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PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 18th October 2016
Report of: Director in consultation with the PATROL and BLASJC
Resources Working Group
Subject/Title: Reviewing Reserves

1.0 Report Summary

1.1 To review the basis for defraying expenses during 2016/17.

2.0 Recommendation

2.1 To note the current reserves position

2.2 To approve the increase in the technology reserve to £400,000 (an increase of £150,000) for 2016/17.

3.0 Reasons for Recommendations

3.1 To ensure resources are in place to support the development and roll out of FOAM.

4.0 Financial Implications

4.1 Detailed in the report

5.0 Legal Implications

5.1 In accordance with the PATROL Adjudication Joint Committee Agreement

6.0 Risk Management

6.1 Identified within the Risk Register

7.0 Background and Options

7.1 The Joint Committee approves a Reserves Policy Statement in January each year as part of the budget setting process.

7.2 The approved reserves for 2016/17 are:

7.3 The General Reserve

The General Reserve aims to mitigate the risk arising from:

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

It is recommended that the General Reserve for 2016/17 is £1,101,042.

This compares with £1,707,027 for 2015/16.

7.4 The Property Reserve

This provides an indemnity to the Host Authority in relation to any outstanding rent associated with the current lease that they have entered into on behalf of the Joint Committee. For 2016/17 there remains two years of lease costs prior to the end of the five year lease. For this reason, provision is made in reserves for one additional year beyond that budgeted in the 2016/17 budget.

It is recommended that the Property Reserve for 2016/17 is £107,119.

This compares to £0 in 2015/16 because there was a break clause in the lease.

7.5 Technology Reserve

The Joint Committee made provision for a technology reserve of £250,000 for 2015/16 of which £100,000 has been utilised to date.

For 2016/17 it is recommended that the same level of reserve of £250,000 is retained to support the roll out of the new portal to all authorities.

7.6. **It is recommended that the total approved reserve level for 2016/17 is £1,458,161.** This compares with a total approved reserve level for 2015/16 of £1,957,027.

7.7 The Joint Committee will monitor income and expenditure during 2016/17 to keep the Reserves Policy Statement under review. Any additional balances will be taken into account in setting the budgets and approving the basis for defraying expenses.

7.8 Any surplus attributed to road user charging at the Dartford River Crossing (RUCA) is ring-fenced to Highways England.

RESERVES – UPDATE – JULY 31st 2016

- 8.1 The Joint Committee has introduced a Reserves Policy Statement and a summary of the reserves position is set out below:

PATROL Reserves (based on the achieved outturn at 31st July 2016)

| Financial year 2015/16 | | PATROL | RUCA |
|--------------------------------------|-------------------|-------------------|-------------------|
| Reserves brought forward | £2,430,906 | £2,414,466 | £16,440 |
| Achieved surplus | £1,138,846 | £614,835 | £524,010 |
| Draw down from technology reserve | (£72,500) | (£72,500) | - |
| Total Reserve at 31.03.16 | £3,497,252 | £2,956,801 | £540,450 |
| Financial Year 2016/17 | | | |
| Reserves brought forward | £3,497,252 | £2,956,801 | £540,450 |
| Approved General Reserve | £1,101,042 | £1,101,042 | - |
| Approved Property Reserve | £107,119 | £107,119 | - |
| Technology Reserve* | £400,000 | £400,000 | - |
| Total Approved Reserve | £1,608,161 | £1,608,161 | - |
| Total Free Reserve | £1,889,091 | £1,348,640 | £540,450 |
| Draw down of technology reserve | (£96,203) | (£96,203) | - |
| Draw down of RUCA reserve | (£426,501) | - | (£426,501) |
| Achieved surplus | £178,205 | £167,646 | £10,559 |
| Total Reserves at 31.07.16 | £3,152,753 | £3,028,245 | £124,508 |
| Of which are free reserves | £1,640,795 | £1,516,287 | £124,508 |
| Movement in Reserves 31.07.16 | (£344,499) | £71,443 | (£415,942) |

The approved technology reserve at the start of the year was £250,000. It is estimated that we will require an additional £100,000 of Technology Reserve for 16/17 in light of additional development requirements. This is broken down as follows:

| | |
|--|-----------------|
| Technology reserve drawn down as at Jun 16 | £92,822 |
| Roll out requirements (training) | £15,000 |
| Roll out requirements (admin support) | £42,000 |
| System development | £200,000 |
| Total technology reserve required | £349,822 |
| Approved technology reserve 16/17 | £250,000 |

Additional required (rounded up)**£100,000**

Given the above requirement and the revised outturn for the year the anticipated year end reserves are as follows:

PATROL Forecasted Reserves at 31.03.17

| | | PATROL | RUCA |
|------------------------------------|------------------------|------------------------|-------------------|
| Reserves brought forward | £3,497,25 2 | £2,956,80 1 | £540,450 |
| Draw down of technology reserve | (£400,000) | (£400,000) | - |
| Draw down of RUCA reserve | (£490,450) | - | (£490,450) |
| Anticipated Deficit for 16/17 | (£54,785) | (£114,544) | £59,759 |
| Forecast Reserves 31.03.17 | £2,552,01 7 | £2,442,25 7 | £109,759 |
| Annual Movement in Reserves | (£945,235) | (£514,544) | (£430,691) |

Recommendation

The recommendation from the Resources Working Group meeting in September 2016 is that the approved technology reserve for 2016/17 be increased by £150,000 to £400,000.

**PATROL ADJUDICATION JOINT COMMITTEE
& BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
Executive Sub Committees**

Date of Meeting: 18th October 2016
Report of: The Director on behalf of the Resources Sub Committee and Working Group
Subject/Title: Risk Register

1.0 Report Summary

1.1 To present the latest review of the risk register

2.0 Recommendation

2.1 To note the latest review of the risk register

3.0 Reasons for Recommendations

3.1 Compliance with the Joint Committee's Risk Management Strategy

4.0 Financial Implications

4.1 None at this time

5.0 Legal Implications

5.1 None at this time

6.0 Risk Management

6.1 The risk register forms part of the Risk Management Strategy

7.0 Background and Options

7.1 The Joint Committee is committed to avoiding risks that threaten its ability to undertake its principal objectives in a way which provides quality and value. It will maintain a sufficient level of reserves to support liquidity and absorb short-term fluctuations in income and expenditure beyond its control.

7.2 The Joint Committee has established a Risk Management Strategy which includes the review of the risk register.

8.0 Recommendation

The Joint Committee is asked to note the current review of the risk register.

9.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

Appendix 2: RISK REGISTER OCTOBER 2016

| Rank | Risk Description | Consequence Description | Risk Impact | Likelihood | Score | Key Controls In Place | Assurances | Response | Previously Reported Status | Current Status | Further Actions to be taken to Manage Risk Better | Lead |
|------|---|---|-------------|------------|-------|--|---|----------|----------------------------|----------------|--|------|
| 1. | Unforeseen significant fluctuations in income and assurance on service charge income | Inability to meet financial obligations | 4 | 2 | 8 | Audit figures and history on which to base forecasts. Reserve policy in place Bad debt policy | Internal & External Audit Reports Committee Reports | Treat | | | Continued forecasting, budget monitoring and cash flow analysis. Monitor new jurisdictions. | D |
| 2. | Inability of IT to support needs of organisation and technology users (including data protection) | Reduced effectiveness and efficiency for tribunal, councils and appellants. | 3 | 3 | 9 | Robust hosting and support arrangements in place. In-house IT team providing first line support. Registered with the Information Commissioner Data Sharing Agreements implemented with respondent authorities... Frequent reporting of appeal portal development and progress. | Performance Reports IT hardware replacement programme. Technology Reserves in place Feedback from appellants and authorities to inform future development. The tribunal web site and portal explains to the parties how information will be shared. | Treat | | | Feedback will continue to be collated – including Birmingham University Research. Refinements and developments continue Privacy impact assessment being undertaken. A programme to roll out the portal has commenced. | D |

Appendix 2: RISK REGISTER OCTOBER 2016

| | | | | | | | | | | | | |
|----|--|---|---|---|---|---|--|-------|--|--|---|------|
| 3. | Loss of key members of management and staff | Disruption to operations Management of vacancies Project and operational targets affected | 3 | 3 | 9 | Clearly defined roles with flexibility to provide cover. Documented procedures Arrangements for temporary cover Arrangements in place to extend cover. Resources Sub Committee and Working Group established. | Committee Reports | Treat | | | Complete staff re-structure. | D |
| 4 | Insufficient adjudicator/ staff resources to meet demand | Inability to meet targets Pressure to reach decisions may result in increased number of judicial reviews | 3 | 2 | 6 | Monitoring of demand and performance Staff recruitment, induction, training and appraisal. Established operating model with proven systems for training and managing new staff. Contingency Planning | Resources Sub Committee and Working Group in place Committee Reports Development of the portal will increase efficiency of the appeals process | Treat | | | Review capacity and training needs of adjudicators and staff in the light of the roll out of the new appeal portal and case management system and the need to address succession. | CA/D |

Appendix 2: RISK REGISTER OCTOBER 2016

| | | | | | | | | | | | | |
|---|-------------------------------|-----------------------------------|---|---|---|--|---|-------|--|--|---|---|
| 5 | Achievement of Key Objectives | Failure to achieve key objectives | 3 | 3 | 9 | Leadership team established focussing on key objectives. | Internal & External Audit Reports Committee Reports Secondment to fill Authority Engagement Manager roll to support the take up of the portal by local authorities. | Treat | | | Maintain review of velocity and effectiveness of portal roll out process. | D |
|---|-------------------------------|-----------------------------------|---|---|---|--|---|-------|--|--|---|---|

CA = Chief Adjudicator D - Director

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

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

| | | | | | | | | | | | |
|--|--|--|---|---|---|---|--|----------|--|--|---|
| | Effective Financial and Resource Management including spending within agreed budgets | Financial instability | 2 | 2 | 4 | Historical data on which to base forecasts. Specified role for budget holders in budget monitoring. Recommendations from Internal Audit | Internal & External Audit Reports Committee Reports | Treat | | | Impact of revisions to budget management Internal Audit Annual Plan for 2011/12. |
| | Change in government policy | Change in direction for traffic regulations/adjudication | 5 | 1 | 5 | Establishing and maintaining dialogue with relevant government departments, responding to consultation, participation in working groups | Committee Reports | Tolerate | | | None at this time |

Appendix 2: RISK REGISTER OCTOBER 2016

| | | | | | | | | | | | |
|--|---------------------------------|---|----------|----------|----------|---|---|--------------|--|--|--------------------------|
| | Health and Safety Breach | Risk to welfare of adjudicators, appellant, staff Disruption to tribunal operation | 3 | 1 | 3 | Health and Safety policy in place. Procedures in place for monitoring risk/handling incidents which may be a threat to health and security. Business Continuity Plan in place. | Reporting requirements for Health and Safety Matters | Treat | | | None at this time |
|--|---------------------------------|---|----------|----------|----------|---|---|--------------|--|--|--------------------------|

Appendix 2: RISK REGISTER OCTOBER 2016

Risk Impact Details

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

Likelihood

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

Appendix 2: RISK REGISTER OCTOBER 2016

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

- Tolerate the risk (accept it)** – some low scoring risks may be considered as acceptable, but these need to be reviewed on a regular basis to confirm that the circumstances have not changed.
- Treat the risk (reduce by control procedures)** – the risk can be considered acceptable provided the control mechanisms work.
- Terminate the risk (cease or modify the method of delivery)** – where risks are unacceptable and control mechanisms will not provide adequate security, the activity or the method of delivery must be modified.
- Transfer the risk** – through insurance of financial contingency provision.

MEASUREMENT OF RISK AND REPORTING

Risk Matrix

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

Legend:

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

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

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

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



Department
for Transport

Consultation paper:
A protocol for local authorities
delivering waiting and loading
restrictions required for development
September 2016

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Great Minster House
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Website www.gov.uk/dft

OGL

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Foreword: Andrew Jones MP



New development is important for economic growth and local regeneration. The Government wants to ensure that securing the highway consents in England required to facilitate such developments is an effective and open process. Local authorities are responsible for making the traffic regulations (Traffic Regulation Orders) to manage their road network efficiently and safely and to permit changes to the highway.

I would welcome your views on the draft protocol set out in this consultation document which is aimed at achieving that. My intention is to promote effective working practices between developers and local authorities to make or revise waiting and loading restrictions on the highway required for new development. I appreciate that major highway works required for development will take longer and I would welcome your views on the need for undertaking further work to develop the protocol for these purposes.

I would urge all local authorities in England to adopt this protocol, when finalised. It will be a major step forward in promoting partnership working, providing clear lines of communication and challenging timelines, to help expedite the development process enabling new developments to be completed and operating at the earliest opportunity.

How to respond

The consultation period began on 13th September 2016 and will run until Friday 28th October 2016. Please email your response to PROTOCOL.CONSULTATION@dft.gsi.gov.uk and ensure that your response reaches us before the closing date.

If you would like further copies of this consultation document, it can be found at www.dft.gov.uk or you can contact us if you need alternative formats (Braille, audio CD, etc.).

Please send consultation responses to:

Sally Kendall
Department for Transport
Great Minister House
33 Horseferry Road
London SW1P 4DR

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

1. Introduction

- 1.1 The Government is pursuing an ambitious programme of reforms to speed up and simplify the planning application process. An effective planning system plays an important role in supporting growth – promoting and enabling the homes, jobs and services that communities need, and minimising uncertainty and delay for those proposing or affected by development. But having secured planning permission, those proposing development can sometimes be held up by delays in securing the Traffic Regulation Orders (TROs) necessary to allow changes to the highway needed to facilitate the new development.
- 1.2 Where a development requires the provision or amendment of an existing TRO this will be carried out by the local authority with all associated costs normally recharged to the developer. Traffic Orders, also known as Traffic Regulation Orders and Traffic Management Orders, are the legal instruments (under the Road Traffic Regulation Act 1984) by which traffic authorities implement most traffic controls on their roads. They are designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. A TRO may take effect at all times or during specific periods, and certain classes of traffic may be exempted.
- 1.3 TROs and planning permissions are governed by separate legal processes. However, TROs should be considered as an essential part of the end-to-end development delivery and there may be potential for the planning and TRO processes to be run in parallel. We are working closely with the Department of Communities and Local Government to ensure guidance on this issue is effectively integrated with the guidance on the planning process.

2. Current procedure for making a TRO

- 2.1 The procedure to be adopted by a local authority for making TROs is set out in the 'Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489) as amended'; and the 'Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 (SI 1999/614), as amended'. The proposals in this consultation are intended only to apply to TROs made by English authorities.
- 2.2 The procedure for making a permanent TRO is as follows (there are different procedures for experimental and temporary TROs):
- Preliminary Requirements – the authority should consult with any body specified in Regulation 6 (depending on the order, other authorities and/or emergency services) and it must publish a notice in a local newspaper. It shall ensure that adequate publicity is provided to those likely to be affected. This may include display of notices in the relevant area and distributing the same to local properties and road users (though there is no requirement to do this specifically so long as the other publicity is adequate). The relevant documents must be held on deposit from the date that the notice of proposal is first published and must remain on deposit until six weeks after the proposed Order has been made (or a decision has been made by the authority not to proceed with the proposal).
 - Public Objections and Inquiries – anyone may object in writing to an order by the date specified on the notices or if later within 21 days of the notice being given and publicity being adequate. A Public Inquiry may also be held but is only required in certain circumstances as set out in Regulation 9. If the authority decides to hold a Public Inquiry it must give notice of the fact and the Inquiry must begin within 42 days of that notice being made. The appointed Inspector will decide how the Inquiry is to proceed.
 - Making a TRO – TROs cannot be made before the statutory period for representations has ended or after a period of two years from the making of the initial notice. Within 14 days of making the TRO the authority must place a notice in the local press announcing their decision, ensuring that adequate publicity is given to the making of the TRO and write to those who objected to the proposal outlining the reasons for their decision to proceed. Any traffic signs required as a consequence of the TRO must be in place before it comes into force.
- 2.3 This consultation is not a regulatory review and the Department is not seeking comment on the Procedure Regulations at this time.

3. Proposed protocol for TROs

- 3.1 In many cases, local authorities manage the TRO process that enables development to take place in a timely manner. But there are competing demands placed on local authorities - they have a duty to manage their highways to ensure the safe and expeditious movement of traffic. With the current resource constraints in the public sector and skill shortages, there is a clear need for appropriate systems and processes to help improve the management of the TRO process.
- 3.2 The lack of regulatory timescales, transparency and the right to challenge the processing of TROs can also lead to frustration for developers. Ministers have expressed their concern when learning that significant delay in the TRO process has led to investment being delayed in the development process.
- 3.3 The Department for Transport has developed a draft protocol for local authorities working with developers to deliver TROs in a timely manner. The protocol is intended to be adopted where developments require minor changes to the kerbside operation of the highway (usually waiting and loading restrictions). Local authorities could consider applying this protocol where appropriate, to the making or amending of other developer-led traffic regulations.
- 3.4 Developments requiring highway works (for example, changes to a junction lay-out) would require longer implementation times than those proposed within this protocol, but there may be scope for adapting the principles of this protocol after further discussions with interested parties.
- 3.5 The consideration as to when the protocol should be implemented will be an important element for the local authority to consider in ensuring the process is well managed. Where the land-use for the site is established, for example, and any planning applications that are required relate only to minor alterations to the building, the protocol may be adopted before planning approval for minor matters. In some cases a change of use may be allowed under permitted development rights and will not require a full planning application, but may still require TROs.
- 3.6 The protocol is very much a partnership approach – it relies upon both parties developing effective relationships for exchanging information that is both accurate and timely. The intention is to make the process open and challenging for both parties – but the timelines defined are currently being delivered by many local authorities.
- 3.7 Communication by both parties is essential throughout the process - to report progress and resolve any issues that may be raised. On the occasions where the timescales defined may not reasonably be met, both parties should discuss and agree a revised timescale for completion. For example, the protocol does not allow for the submission of relevant objections and the need for these to be resolved. However, revisions would normally only take place where delay is unavoidable – for example, the unexpected absence of key personnel/Council meetings postponed etc.

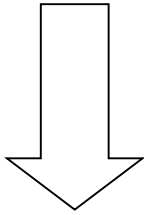
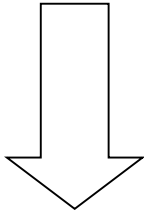
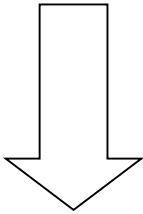
- 3.8 It is intended that the stages will apply to both unitary and two-tier authorities. The integration of services and process/clearances may be simpler for unitary authorities but the systems that should be developed for the protocol should be sufficient to manage the timescales.

Protocol for Developers/Applicants

- 3.9 For an application to amend/make a TRO, the developer should provide the following:
- The appropriate fee;
 - A covering note/letter which outlines the background to the request and need for the change.
 - Details of the planning application if relevant - including the planning application reference number for live applications and the relevant planning officer contact details. It should also explain the reasons if no planning application is required;
 - A plan showing the existing road markings;
 - A plan showing the proposed road markings;
 - Relevant supporting data (e.g. kerb-side utilisation surveys, parking occupancy surveys).
- 3.10 This information should be provided in the format required by the relevant local authority. Any errors/missing information will result in the timescales being adjusted to reflect the changes.

Protocol for Local Authorities/Highway Authorities

- 3.11 Once the developer information has been agreed as complete, the protocol will require the local authority to deliver the following steps to the timescales indicated below:

| Application made | |
|---|--|
|  Within 6 weeks | <ul style="list-style-type: none"> • Once TO application has been submitted to the local authority, a decision on whether the proposals are acceptable within 3 weeks; • If the local authority supportive, draft orders to be produced and advertised within a further 3 weeks. |
| Proposed Order Advertised | |
|  Within 5 weeks | <ul style="list-style-type: none"> • Following 21 day statutory consultation period, process to be finalised and decision on Order to be made within 2 weeks (IF NO RELEVANT OBJECTIONS RECEIVED). |
| Decision / Implementation | |
|  Within 4 weeks | <ul style="list-style-type: none"> • local authority issue 'Notice of making'; • Works programmed and completed on site; • TRO becomes operative/enforceable. |
| Process Complete - Total 15 weeks | |

3.12 In most cases, once the TRO has been 'made', the physical works required to support the TRO, such as the installation of signs, should be programmed and completed. This effectively allows up to 4 weeks for the works to be completed on site once the TRO proposals have been formally approved.

4. Guidance

- 4.1 The Department will develop new guidance on the TRO process for new development to support the adoption of the protocol. The guidance will focus on good practice that both the development industry and local authority practitioners already engage in to ensure that the process works well. It will highlight:
- process issues and legal constraints
 - the integration of local authority planning and engineering functions (both at unitary and two-tier planning authorities)
 - good practice in making the TRO process transparent and available
 - case studies - highlighting good practice across the stages
 - reporting mechanisms for delivering feedback on the protocol.
- 4.2 New guidance in relation to the TRO process will sit alongside current statutory and operational guidance on traffic management and parking, including statutory guidance issued under the Traffic Management Act 2004, on using petition schemes to provide a right to review parking policies issued by the Department for Communities and Local Government in March 2015.

The link is:-

www.gov.uk/government/publications/right-to-challenge-parking-policies .

5. Monitoring and Reporting

- 5.1 This consultation is also seeking your views on how local authorities should monitor the protocol and report on delivery.
- 5.2 The Government will consider how the effectiveness of the protocol in expediting the TRO process and delivering development that will benefit the local community should be monitored. It expects this process to make a tangible difference to the speed with which developments can be completed – and will work with local government partners to encourage local authorities to take up the protocol and create partnerships focussed on delivery. The guidance will set out more information on this matter.

What will happen next?

A summary of responses, including the next steps, will be published within three months of the consultation closing on Friday 28th October 2016. Paper copies will be available on request.

If you have questions about this consultation please contact:

Sally Kendall

Department for Transport

3/27 Great Minister House

33 Horseferry Road

London SE9 1QT

0207 944 2085

Email: PROTOCOL.CONULTATION@dft.gsi.gov.uk

Annex A: Full list of consultation questions

Your details

Please indicate whether you are responding as a;

- i) representative of the development industry (please indicate your type of business, and your role in the process)
- ii) district council
- iii) borough/unitary/County Council
- iv) other interested party

Question 1

Do you consider that a protocol for working with developers for introducing or amending waiting and loading restrictions will be helpful?

Yes/No

Comment

Question 2

Would you consider adopting this protocol for delivering waiting and loading restrictions for new developments?

Yes/No

If "no", why not?

Question 3

Do you consider the indicative timescales for the different stages to be achievable in the majority of cases?

Yes/No

Comment

Question 4

Would you monitor and report on the stages identified for the protocol? How would you provide this information?

Yes/No

Comment

Question 5

Do you consider that the protocol could be adapted to cover other TROs and developments which include highway works (other than the kerbside operations described in this document)?

Yes/No

Comment

Question 6

Do you have any good examples of good practice in terms of processes, communication, joint working between local authority departments, or between local authorities and developers?

Comment

Question 7

Can you please provide any information related to anticipated costs or benefits to your organisation that would arise as part of introducing the proposed process?

Comment

Question 8

Do you have any other comments on this draft protocol?

Comment

Annex B: Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator

Department for Transport
Zone 1/14 Great Minster House
London SW1P 4DR

Email consultation@dft.gsi.gov.uk

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

Executive Sub Committees

**General Progress Report
Appeals Summary 1 April 2016 – 30 June 2016**

1. Background

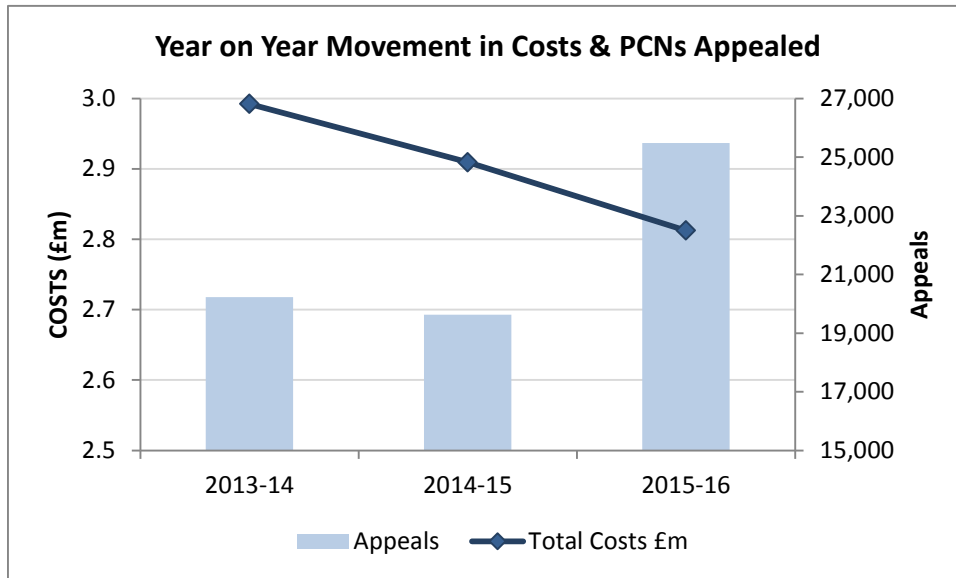
The table below shows the number of PCNs appealed (including witness statements) for the years 2013/14 to 2015/16.

| | Parking England and Wales | Bus Lane (England) | Bus Lanes and Moving Traffic Wales | Dart Charge | Durham | Total |
|---------------------|--|-------------------------------|---|------------------------|---------------|--------------|
| Apr 2013 – Mar 2014 | 15,578 | 4,648 | 0 | n/a | n/a | 20,226 |
| Apr 2014 – Mar 2015 | 14,490 | 4,209 | 45 | 880 | n/a | 19,624 |
| Apr 2015 – Mar 2016 | 13,619 ¹ | 3,690 | 219 | 9,174 | 1 | 26,703 |

Note 1 Parking England (12,976) Parking Wales (643)

- This indicates an overall increase in PCNs appealed for 2015/16 over 2014/15 of 36%.
- Parking England and Wales have seen a drop over the same period of 6%.
- Bus Lanes England have also seen a decrease of 12%
- Bus Lanes and Moving Traffic Wales - Cardiff and Swansea have commenced enforcement of bus lanes and Cardiff is undertaking moving traffic enforcement (yellow box junctions)
- Dart Charge enforcement commenced on 30th November 2014

The graph below shows the increase in PCNs appealed whilst year on year Joint Committee expenditure has reduced.



2. Year on Year Comparison

The table below compares the 3 months April 2015- June 2015 with the same period in the current year.

| | Bus Lanes | Parking | Other | Total |
|------------------|-----------|---------|-------|-------|
| Apr 15 – June 15 | 743 | 3,130 | 376 | 4,249 |
| Apr 16 – June 16 | 768 | 3,156 | 2,409 | 6,333 |

Bus Lane appeals show an increase of 3.3%

Parking appeals show an increase of 0.8%

Other appeals show a marked increase but include 2,365 appeals for penalties issued at the Dartford River Crossing against 339 Dart Charge appeals for the same period last year.

Total appeals (including Witness Statements) have increased by 49%.

3. Handling of appeals

During 2015/16, two appeal systems were in operation, the legacy system and the prototype online appeal system. The latter includes automated acknowledgement of appeals which is instantaneous. In 2015/16, using the legacy system, 99% of appeals were acknowledged within 2 working days.

| Period | Actual | Target |
|---------|--------|---------------------------|
| 2013/14 | 99% | 95% within 2 working days |
| 2014/15 | 99% | 95% within 2 working days |
| 2015/16 | 99% | 95% within 2 working days |

FOAM the new On Line appeal system was launched on 14th March 2016. As with the prototype system all appeals are acknowledged immediately.

4. Hearing Types

Adjudicators may decide cases simply on the evidence presented. These are known as edecisions. Alternatively, cases may be decided by telephone or face to face hearing. Telephone hearings are telephone conference calls between the adjudicator and the parties and face to face hearings are conducted across England and Wales, usually in hotel meeting rooms. The table below shows the movement in hearing types across 2014/15 and 2015/16.

All case types including Dartcharge:

| Type | 3m to June 16 | 12m 2015/16 |
|----------------------|---------------|-------------|
| E Decision | 79% | 76% |
| Telephone Hearing | 12% | 16% |
| Face to Face Hearing | 9% | 8% |

5. Rollout of FOAM

The process of transferring authorities from the legacy and prototype systems to FOAM is continuing at pace,

As at 26th September some 80 authorities have joined FOAM. Larger authorities have been targetted and as a result 54% of appeals volume (excluding Dartcharge) is now being processed through FOAM, a further 23% appeals will be covered by authorities trained and waiting to Go Live. A further 10% of appeals will be covered by authorities who are scheduled in the workshop programme throughout September and October with Go Live dates to follow soon after.

Workshops are taking place regionally as follows:

| | |
|-------------|-----------|
| Southampton | 27th Sept |
| Shrewsbury | 29th Sept |
| Worcester | 11th Oct |

| | |
|--------------|----------------------|
| Warwick | 13 th Oct |
| Chesterfield | 19th Oct |
| Lichfield | 20th Oct |
| York | 25th Oct |
| Peterborough | 26th Oct |

Dartcharge are due to transfer to FOAM in the Autumn, and have already been trained.

Feedback received from authorities regarding FOAM continues to very positive:

“FOAM has enabled the efficient processing of TPT cases for our busy Parking Office. Although TPT cases are relatively rare, the efficiency provided by FOAM has enabled our team to process appeals in the same time it takes to review a Formal Representation (approx. 20 minutes per case). The old method of case preparation required 3 copies of a case bundle to be produced in paper form taking anywhere between a few hours to a full day to complete. In terms of officer hours, it could be argued that the saving have been substantial given that Parking Services Officers are paid at an hourly rate of approx. £8.89 per hour. As an extreme example, a case that would take one day to complete would cost £71.12 in staff time, is now likely to cost £4.50 per case.” - Luton

“We have also found the appellant to be more responsive to the evidence, as this is uploaded online, they have opportunity to comment on each item. This has allowed swifter resolution to most cases and has no doubt aided the adjudicators in decision making. Cases are now typically resolved within 28 days of the appeal being made, subject to any hearing requests and additional evidence required.” - Luton

“Foam has allowed for the service to continue efficiently whilst the council have had to make staff cuts. It has bridges the gap enabling the council to continue with its business whilst maintaining high standards.

Foam has also complemented and supported the council’s flexible and agile workforce enabling for the work to be carried out from anywhere in the country as well as Europe.

Foam has provided a real technical solution to today’s work life balance and the bonus is not only improving the quality of work place atmosphere but also contributing to savings by management of the service with fewer staff” - Sandwell

“Significantly reduced the printing costs, one officer was in the top 20 for printing costs, since the introduction of the portal/FOAM this has changed and is no longer on this list.

This also helps with the fact there are not paper documents being passed from Officer to Manager and being stored for reference, everything is easily accessible on the system.

The time to complete each case has increased from completing 2-3 per day to 5-6.

*Easier to communicate with TPT and the appellant by being able to send messages”
- Manchester*

“Time and resources - Previously we had to prepare a case summary and then print all documentation relating to the case. This was then put into numerical order and the case was printed 3 times – 1 for the appellant, 1 for the tribunal and a copy for the Council. The old process could have taken a number of days but on the portal an appeal can be uploaded within an hour or 2, approved and submitted.

Staff - are confidently and happily working with the new system – initially there were a few grumbles but now all staff agree this way of working is so much easier.

Faster and more efficient – once an appeal is uploaded we are able to monitor the progress of the case. Further information and decisions are uploaded quickly and is accessible to all. We are also able to view when and who reads a decision which is a great tool for when an appellant states they didn't receive a decision!

Also, instead of taking hard copies of case summaries and TRO's to appeal hearings we only need to take a laptop now - Oxford

“The speed and ease of communication allows all parties to clarify and comment on aspects of the case leading to a quicker resolution. A particular benefit is for cases where the appellant has provided information or evidence that the Council has previously requested. If this is provided as part of the appeal we can quickly inform all parties that we are not contesting the case.

Prior to BECK/FOAM, around 50% of appeals were dealt with as personal or telephone hearings. The number of appeals dealt with in this way is now minimal leading to cost and time savings for all involved.

FOAM allows us to put packs together more easily and quickly. Prior to managing cases online, it could take half a day or more to complete a pack, now a straightforward case can be completed in less than an hour. Managing cases online also reduces printing costs. We currently have 2 representations officers where previously we have had 3. FOAM allows us to manage our workloads effectively to keep within SLAs.” - Cornwall

6. Customer Service

The Case Management Team continue to focus closely on Customer Service.

A large number of appellants are contacted to ensure that they are happy with the system and its use. The feedback received is recorded and used to inform development and next steps. In addition where an appellant has requested a paper form by which to appeal, the Customer Liaison staff contact the appellant to advise them regarding the on-line process and the benefits it offers. This contact successfully results in around 25% conversion from off-line to on-line appeals.

Similarly, the team and Authority Engagement Manager are in regular contact with the authorities who are live on FOAM. Feedback from authorities is very positive and also used to inform development where suggestions for improvement are made.

The tribunal has also implemented a Freephone number which appears on all correspondence. This is aimed at ensuring that the cost of making a call is not a barrier to appealing.

7. Case Closure – comparing legacy system to online system

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

The online system has resulted in a new way of handling appeals with instant messaging and all parties having access to the same information and evidence at once. The adjudicator is able to adopt a more inquisitorial approach to ascertain the details of the case.

Taking into account all appeal streams for the period 1st April 2016 to 30th June 2016, the velocity of the online system results in a significant proportion of cases be dealt with in under a week, particularly where authorities choose not to contest a case, and over 60 per cent of cases dealt with within three weeks.

| Case Closure | % of cases | Cumulative % |
|---------------------|-------------------|---------------------|
| up to 7 days | 20.3% | 20.3% |
| 7 to 14 days | 23.3% | 43.6% |
| 14 to 21 days | 20.7% | 64.3% |
| Over 21 days | 35.7% | 100% |

The average number of weeks between registration of an appeal and a decision being issued in the legacy system, taking England appeals 2015/16 as an example and the final six months of 2015/16 for online appeals:

| Decision Type | Legacy Average Number of weeks | Online system average Number of weeks |
|----------------------|---------------------------------------|--|
| E decision | 4.92 | 3.32 |
| Telephone | 6.69 | 5.32 |
| Face to Face | 12.50 | 10.94 |

The saving of 1.6 weeks for edecisions is significant as section 3 above highlights the move to edecisions. The tribunal has always adopted a fast track approach to telephone hearings because of their flexibility and this will be maintained. As fewer people opt for face to face hearings, the tribunal are responding flexibly to these to enable smaller lists to take place in a wider range of locations.

The following tables set out case closure across the various appeal streams in the legacy system in detail. These are framed within the Joint Committee's performance framework.

During 2016/17, the tribunal will be operating three systems: legacy, prototype and FOAM. All authorities will be brought into FOAM. During the year, a revised reporting framework will be developed to take account of the changes brought by FOAM.

5. Case Closure (Legacy System)

In June 2007 the Joint Committee approved the following targets which currently apply to the legacy system:

| |
|--|
| <p>Face to face hearings</p> <p>60% of cases to be offered a face to face hearing date within 8 weeks of receipt of the Notice of Appeal.</p> <p>90% of cases to be offered a face to face hearing date within 12 weeks of receipt of the Notice of Appeal</p> <p>E-decision Decisions</p> <p>80% of decisions without a hearing to be made within 7 weeks of receipt of the Notice of Appeal.</p> |
|--|

The reports on case closure include all cases which were registered in the period and have been decided, including cases which have not been contested. This data will include cases that have been delayed for the following reasons.

a) Requests from parties to the appeal:

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

b) Adjudicators may require:

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

a) Parking Appeals (England):**Cases decided by e-decision:**

| Measure | April 2013 to March 2014 | April 2014 to March 2015 | April 2015 to March 2016 |
|--|---------------------------------|---------------------------------|---------------------------------|
| Average number of weeks between registration of appeal and decision issued | 5.03 weeks | 4.85 weeks | 4.92 weeks |
| Cases with less than 7 weeks between registration and decision (e-decision target) | 83.84% | 84.18% | 83.75% |
| Cases with less than 12 weeks between registration and decision | 96.43% | 96.99% | 96.23% |

Cases decided through a telephone hearing:

| Measure | April 2013 to March 2014 | April 2014 to March 2015 | April 2015 to March 2016 |
|--|---------------------------------|---------------------------------|---------------------------------|
| Average number of weeks between registration of appeal and decision issued | 8.51 weeks | 6.74 | 6.69 weeks |
| Cases with less than 8 weeks between registration and decision (telephone target) | 61.47% | 81.18% | 82.01% |
| Cases with less than 12 weeks between registration and decision (telephone target) | 89.16% | 95.77% | 94.65% |

Cases decided through a face to face hearing:

| Measure | April 2013 to March 2014 | April 2014 to March 2015 | April 2015 to March 2016 |
|---|---------------------------------|---------------------------------|---------------------------------|
| Average number of weeks between registration of appeal and decision issued | 12.75 weeks | 11.40 weeks | 12.50 weeks |
| Cases with less than 8 weeks between registration and decision (face to face target) | 25.40% | 25.22% | 22.02% |
| Cases with less than 12 weeks between registration and decision (face to face target) | 60.02% | 68.59% | 59.73% |

b) Parking Appeals (Wales)**Cases decided by e-decision:**

| Measure | April 2013 to March 2014 | April 2014 to March 2015 | April 2015 to March 2016 |
|--|---------------------------------|---------------------------------|---------------------------------|
| Average number of weeks between registration of appeal and decision issued | 4.63 weeks | 3.89 weeks | 4.62 weeks |
| Cases with less than 7 weeks between registration and decision (e-decision target) | 86.80% | 91.25% | 83.55% |
| Cases with less than 12 weeks between registration and decision | 96.89% | 99.47% | 94.78% |

Cases decided through a telephone hearing:

| Measure | April 2013 to March 2014 | April 2014 to March 2015 | April 2015 to March 2016 |
|--|---------------------------------|---------------------------------|---------------------------------|
| Average number of weeks between registration of appeal and decision issued | 9.04 weeks | 7.85 weeks | 7.09 weeks |
| Cases with less than 8 weeks between registration and decision (telephone target) | 57.78% | 64.56% | 80.26% |
| Cases with less than 12 weeks between registration and decision (telephone target) | 91.11% | 94.94% | 92.11% |

Cases decided through a face to face hearing:

| Measure | April 2013 to March 2014 | April 2014 to March 2015 | April 2015 to March 2016 |
|---|---------------------------------|---------------------------------|---------------------------------|
| Average number of weeks between registration of appeal and decision issued | 14.85 weeks | 12.66 weeks | 12.33 weeks |
| Cases with less than 8 weeks between registration and decision (face to face target) | 13.70% | 24.59% | 27.91% |
| Cases with less than 12 weeks between registration and decision (face to face target) | 45.21% | 63.93% | 60.47% |

c) Bus lane appeals (England):**Cases decided by e-decision:**

| Measure | April 2013 to March 2014 | April 2014 to March 2015 | April 2015 to March 2016 |
|--|---------------------------------|---------------------------------|---------------------------------|
| Average number of weeks between registration of appeal and decision issued | 5.97 weeks | 5.05 weeks | 5.02 weeks |
| Cases with less than 7 weeks between registration and decision (e-decision target) | 72.61% | 80.65% | 82.35% |
| Cases with less than 12 weeks between registration and decision | 92.11% | 96.43% | 95.89% |

Cases decided through a telephone hearing:

| Measure | April 2013 to March 2014 | April 2014 to March 2015 | April 2015 to March 2016 |
|--|---------------------------------|---------------------------------|---------------------------------|
| Average number of weeks between registration of appeal and decision issued | 9.48 weeks | 7.49 weeks | 7.04 weeks |
| Cases with less than 8 weeks between registration and decision | 53.70% | 72.04% | 77.24% |
| Cases with less than 12 weeks between registration and decision | 82.58% | 91.03% | 92.74% |

Cases decided through a face to face hearing:

| Measure | April 2013 to March 2014 | April 2014 to March 2015 | April 2015 to March 2016 |
|---|---------------------------------|---------------------------------|---------------------------------|
| Average number of weeks between registration of appeal and decision issued | 12.45 weeks | 11.44 weeks | 12.45 weeks |
| Cases with less than 8 weeks between registration and decision (face to face target) | 23.96% | 27.16% | 13.87% |
| Cases with less than 12 weeks between registration and decision (face to face target) | 59.45% | 66.26% | 56.65% |

**PATROL ADJUDICATION JOINT COMMITTEE
and BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
Executive Sub Committees**

Date of Meeting: 18th October 2016

Report of: The Director on behalf of the Advisory Board

Subject/Title: Appointment 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 a new appointment for 2016

2.0 Recommendation

2.1 That the Joint Committee approves the new appointment of Paul Nicholls) (Brighton & Hove City Council) as the Unitary Council representative on the Advisory Board.

3.0 Reasons for Recommendations

3.1 The Joint Committee and its Executive Sub Committee may approve nominations to the Advisory Board.

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 terms of reference of the Advisory Board are set out in Appendix 1.

8.0 Recommendation

That the Joint Committee approves the new appointment of Paul Nicholls (Brighton & Hove City Council) as the Unitary Council representative on the Advisory Board.

9.0 Access to Information

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

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Appendix 1

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

Terms of Reference

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

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

2. The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.
3. To receive and monitor progress against the Performance Management Strategy produced by the Director and to review the service structure, organisation and administration and to scrutinise recommendations for changes before they are put before the Joint Committees.
4. To monitor and review the service capital and 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 the Department for Transport (non-road user charging)
 - A representative from the Welsh Government (WG).
 - 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.

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.

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

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

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

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 should be sought.