

PATROL Adjudication Joint Committee

Agenda

Date: Wednesday, 25th June, 2014
Time: 12.30 pm
Venue: The Local Government Association, Local Government House, Smith Square, London SW1P 3HZ

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

To appoint a Chairman, Vice Chairman and Assistant Vice Chairman until the next meeting of the Joint Committee.

2. **Apologies for Absence**

To receive apologies for absence

3. **Declaration of Interest**

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

4. **Minutes of the Meeting Held on 25 June 2013** (Pages 1 - 10)

To approve the minutes of the PATROL Adjudication Joint Committee held 25th June 2013.

5. **Minutes of the Meeting Held on 28 January 2014** (Pages 11 - 18)

note the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held 28th January 2014.

6. **Chairman's Update**

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

7. **PATROL Adjudication Joint Committee Financial Regulations** (Pages 19 - 28)

To approve amendments to the Joint Committee's Financial Regulations.

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8. **Draft Annual Return 2013/14** (Pages 29 - 64)

To approve the draft annual return and supporting documentation.
9. **Review of Governance Arrangements** (Pages 65 - 114)

To review governance documentation and arrangements including the PATROL Agreement, Service Level Agreement with the Lead/Host Authority, Standing Orders, Memorandum of Understanding between the Joint Committee and the Adjudicators, the appointment of the Proper Officer and to approve meeting dates for 2014/15.
10. **Establishment of Executive Sub Committee** (Pages 115 - 118)

To establish an Executive Sub Committee and appoint members for the period until the annual meeting of the Joint Committee in June 2015.
11. **Appointments to the Advisory Board** (Pages 119 - 124)

To approve appointments to the Advisory Board for the period until the annual meeting of the Joint Committee in June 2015.
12. **Risk Management and Business Continuity** (Pages 125 - 150)

To review the Risk Management Strategy and Business Continuity Management Policy and note the latest review of the Risk Register.
13. **Wales Update**

To note the progress of civil enforcement regulations in Wales.
14. **Deregulation Bill**

To inform the Joint Committee of the Deregulation Bill.
15. **Consultation on the draft Traffic Signs Regulations & General Directions (TRSGD) 2015** (Pages 151 - 164)

To inform members of the TRSGD consultation and the responses made on behalf of the Adjudicators and PATROL.
16. **Contravention Codes Outside London**

To note the current arrangements for updating contravention codes outside London and approve Chair's actions.
17. **Dartford River Crossing - Memorandum of Understanding**

To approve the Memorandum of Understanding between the Joint Committee and the Secretary of State in respect of adjudication for appeals arising from enforcement of road user charging regulations at the Dartford River Crossing due to commence October 2014.

18. **Durham Council - Enforcement of Road User Charging**

To note the intention of Durham Council to introduce enforcement of road user charging and arrangements for accessing independent adjudication in November 2014.

19. **General Progress and Service Standards** (Pages 165 - 174)

To provide general information in respect of the tribunal's initiatives and service standards.

20. **New Appeal Portal**

To report progress on the development and implementation of the on-line appeal portal.

21. **Appointment of Adjudicator** (Pages 175 - 176)

To approve the offer of an appointment (subject to the consent of the Lord Chancellor) to Caroline Sheppard and to extend her appointment as Chief Adjudicator for England and Wales for the same period.

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PATROL ADJUDICATION JOINT COMMITTEE

Minutes of a meeting of the **PATROL Adjudication Joint Committee**
held on Tuesday, 25th June, 2013 at Warwickshire County Cricket Club, The
County Ground, Edgbaston, Birmingham, B5 7QU

PRESENT

Councillor Jamie Macrae	Cheshire East Council
Councillor John Leather	Cheshire West and Chester Council
Councillor Mike Carver	East Hertfordshire District Council
Councillor Stuart Hughes	Devon County Council
Councillor David Chadwick	Bolton MBC
Councillor Ian Davey	Brighton & Hove City Council
Councillor Peter Robinson	Tameside MBC
Councillor Richard Bell	Sunderland City Council
Councillor Roland Dibbs	Rushmoor Borough Council
Councillor John Baverstock	South Hams District Council
Councillor Andrew Bosmans	Doncaster MBC
Councillor Graham Beale	Wychavon District Council
Councillor John West	Hampshire County Council
Councillor Rachel Lancaster	Coventry City Council
Councillor Alan Mitchell	Trafford MBC
Councillor Geraint Owens	City and County of Swansea
Councillor Sohail Munawar	Slough Borough Council

Also Present:

Caroline Sheppard	Chief Adjudicator
Louise Hutchinson	Head of Service, PATROL
Councillor Ken Gregory	Thanet District Council
Robin Chantrill-Smith	Thanet District Council
Miles Wallace	PATROL
Victoria Tripper	PATROL
Andy Diamond	PATROL
Kevin Melling	Cheshire East Council
Helen Crozier	Oxfordshire County Council
Anjna Patel	Sandwell MBC
Graham Addicott OBE	Vice-chairman Advisory Board
Steve Sheriff	City and County of Swansea
Marc Samways	Hampshire County Council
Emma Nicholls	South Hams District Council
Paul Bowman	Coventry City Council
Julie North	Cheshire East Council

1 APPOINTMENT OF CHAIRMAN, VICE CHAIRMAN AND ASSISTANT VICE CHAIRMAN

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

RESOLVED

That Cllr WJ Macrae (Cheshire East Council) be appointed as Chairman, that Cllr M Carver (East Hertfordshire District Council) be appointed as Vice-chairman and Cllr S Hughes (Devon County Council), be appointed as Assistant Vice Chairman.

2 APOLOGIES FOR ABSENCE

A list of apologies was circulated.

3 DECLARATIONS OF INTEREST

There were no declarations of Interest.

4 MINUTES OF THE MEETING HELD ON 21 NOVEMBER 2012

An update was provided in respect of various items included in the minutes.

RESOLVED

That the minutes be approved as a correct record.

5 MINUTES OF THE MEETING OF THE PATROL EXECUTIVE SUB COMMITTEE HELD ON 29 JANUARY 2013

An update was provided in respect of the appointment of adjudicators and it was noted that it was proposed to form a Sub-committee to deal with this matter.

RESOLVED

That the minutes be approved as a correct record.

6 URGENT BUSINESS

The PATROL Adjudication Joint Committee Standing Orders required that all decisions taken as Urgent Business be reported to the next meeting of the Joint Committee.

Copies of two indemnities relating to decisions taken as urgent business in respect of the lease for Springfield House and the general role of Lead Authority and the Staff Relocation Travel Policy were submitted.

RESOLVED

That the decisions taken as urgent business since the last meeting of the Joint Committee be noted.

7 REVIEW OF GOVERNANCE DOCUMENTATION

Consideration was given to a report, which presented governance documentation for review and proposed arrangements for undertaking further review of a non-binding Service Level Agreement between the Joint Committee and the Lead Authority.

The PATROL Adjudication Joint Committee agreement including Schedule 6 (The Terms of Appointment of the Lead Authority) dated 1 May 2008 has been reviewed in the light of the appointment of a new Lead/Host Authority from 1 April 2013.

The Committee was requested to approve the revised PATROLAJC agreement, subject to obtaining written consent from 75% of the Participating Authorities, to delegate consideration of the non-binding service level agreement between the Joint Committee and the Lead Authority to the next meeting of the Executive Sub Committee, to adopt the Scheme of Delegation and to note the cycle and location of meetings for 2013/14.

The Joint Committee had traditionally held one annual meeting in June and two Executive Sub committees in September and January. It had originally been thought that the move to the Audit Commission's 'Small Bodies' Annual Return would remove the requirement for a September meeting. However, the Chairman reported that it was now considered that there was a need for a meeting of the Executive Sub-committee in either September or October to review the budget/accounts, including the current level of reserves. A date would be agreed and circulated to Members.

The proposed dates and location for meetings in 2013/2014 were:

September/October, London - Date to be agreed

Tuesday 28th January 2014, London

Tuesday 24th June 2014, London

RESOLVED

1. That the revised PATROLAJC agreement be approved, subject to obtaining written consent from 75% of the Participating Authorities.

2. That consideration of the non-binding Service Level Agreement between the Joint Committee and the Lead Authority be delegated to the next meeting of the Executive Sub Committee.
3. That the Scheme of Delegation be adopted.
4. That the cycle and location of meetings for 2013/14 be noted, subject to agreement of a date for the September/October meeting.

8 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEE

It was noted that, as the number of Councils joining the Joint Committee increased, one way of avoiding the need for large numbers of Members attending all the committee meetings would be to establish an Executive Sub-Committee. PATROLAJC Standing Order 9 enabled the Joint Committee to appoint such a Sub-Committee. Any Terms of Reference for such Sub-Committees needed to be agreed by the Joint Committee as and when each Sub-Committee was established.

Consideration was given to a report, which set out arrangements for establishing an Executive Sub-Committee and its Terms of Reference for the forthcoming year.

The size of the Executive Sub-Committee was recommended by officers to comprise a minimum of twelve in number, including the Chair of the Joint-Committee and at least one each representing District, County, Unitary, Metropolitan councils and at least one from an English authority and one from a Welsh authority.

Draft terms of reference were also circulated for an Adjudicator Appointment Sub-committee, to review and approve the recommendations of the Adjudicator Appointments Working Group in relation to the appointment of adjudicators, as referred to at minute 5 of the minutes.

RESOLVED

1. That an Executive Sub-Committee be established to act on behalf of the Committee until the annual meeting in June 2014, in accordance with paragraph 2 and the Appendix to the report and that the following Members be appointed to the Executive Sub-Committee for the forthcoming year:

Councillor Jamie Macrae
Councillor John Leather

Councillor Mike Carver
Councillor Stuart Hughes

Cheshire East Council
Cheshire West and Chester
Council
East Hertfordshire District Council
Devon County Council

Councillor David Chadwick	Bolton MBC
Councillor Ian Davey	Brighton & Hove City Council
Councillor Peter Robinson	Tameside MBC
Councillor Richard Bell	Sunderland City Council
Councillor Roland Dibbs	Rushmoor Borough Council
Councillor John Baverstock	South Hams District Council
Councillor Andrew Bosmans	Doncaster MBC
Councillor Graham Beale	Wychavon District Council
Councillor John West	Hampshire County Council
Councillor Rachel Lancaster	Coventry City Council
Councillor Alan Mitchell	Trafford MBC
Councillor Geraint Owens	City and County of Swansea
Councillor Sohail Munawar	Slough Borough Council
Councillor Tony Page	Reading Council
Councillor Jane Urquhart	Nottingham City Council
Councillor Peter Cooper	Camarthenshire County Council

2. That an Adjudicator Appointment Sub-committee be established, to review and approve the recommendations of the Adjudicator Appointments Working Group in relation to the appointment of adjudicators, with the Terms of Reference as submitted with the following membership agreed:

Cllr WJ Macrae – Cheshire East Council
Cllr M Carver - East Hertfordshire District Council
Cllr T Page – Reading Council
Cllr J Urquhart – Nottingham City Council
Cllr A Bosmans – Doncaster MBC
Cllr D Chadwick – Bolton MBC
Cllr J Leather – Cheshire West and Chester Council
Cllr P Robinson – Tameside MBC

9 APPOINTMENTS TO THE ADVISORY BOARD

Consideration was given to a report relating to appointments to the Advisory Board. It was noted that the Standing Orders provided 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. The Terms of Reference were attached to the report and these would enable an effective and efficient arrangement for matters relating to the PATROLAJC and the Bus Lane Adjudication Service Joint Committee BLASJC.

At its meeting on 26 June 2012, the Joint Committee had made appointments for the period ending at the next annual meeting and these were detailed in the Terms of Reference, which were appended to the report.

RESOLVED

That the terms of reference be adopted and the appointments recommended in the appendix to the report be approved as follows :-

- John Satchwell be re-appointed for a four year period
- Graham Addicott OBE be re-appointed for a four year period

10 REPORT OF THE TRAFFIC PENALTY TRIBUNAL ADJUDICATORS

Under Regulation 17 (6) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and Regulations 9 (6) and 9 (7) of The Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008, the Adjudicators were required to make an Annual Report to the Joint Committee on the discharge of their functions.

The Chief Adjudicator presented the report of the Traffic Penalty Tribunal Adjudicators. The presentation would be circulated by e-mail.

RESOLVED

1. That the report of the Adjudicators be received.
2. That the final report be forwarded to the Secretary of State and First Minister.
3. That it be noted that the final report would be translated into the Welsh language for the purposes of forwarding it to the First Minister.
4. That it be agreed that the final report is published and circulated free of charge.

11 TRANSPORT SELECT COMMITTEE

Consideration was given to a report informing Members of the current Transport Select Committee Inquiry into Local Authority Parking enforcement.

RESOLVED

That the report be noted.

12 WELSH REGULATIONS

A verbal update was provided in respect of the progress of the civil enforcement regulations in Wales.

RESOLVED

That the update be noted.

13 GENERAL PROGRESS AND SERVICE STANDARDS

Consideration was given to a report on progress in respect of the take up of civil parking enforcement powers by Councils in England (outside London) and Wales and information in relation to general progress and service standards.

RESOLVED

1. That the information provided in respect of take up of civil enforcement of parking powers be noted.
2. That the information in relation to service standards be noted.

14 PATROL ANNUAL REPORT AWARD 2011/12

The PATROL Annual Report Award had been launched to promote and share best practice amongst Councils in the production of parking annual reports. The award was now in its fourth year.

It was noted that whilst Local Authorities were not required to produce an Annual Report, they were encouraged to do so. A short list including Carlisle Council, Brighton & Hove City Council, Stockton Council, Durham Council, Torbay Council and Scarborough Council had been drawn up from the fifty Councils who had produced a report for 2013 and the winner would be announced at the Enforcement Summit, to take place in London on 9 July.

15 RISK MANAGEMENT AND BUSINESS CONTINUITY

Consideration was given to a report relating to Risk Management and Business Continuity.

As part of the Joint Committee's oversight of risk management and business continuity, the Joint Committee was required to review the Risk Management Strategy and Business Continuity Management Policy on an annual basis and review the updated Risk Register at each meeting. The documents were appended to the report.

RESOLVED

1. That the Risk Management Strategy, as set out at appendix 1 of the Report, be approved.
2. That the updated Risk Register, as set out at appendix 2 of the Report, be noted.
3. That the Business Continuity Management Policy, as set out at Appendix 3 of the report, be approved.

16 PATROL ADJUDICATION JOINT COMMITTEE FINANCIAL REGULATIONS AND PROCUREMENT

It was reported that the Joint Committee had last approved its Financial Regulations at its annual meeting in June 2012. The Joint Committee was asked to review these Financial Regulations in the light of a number of changes.

It was noted that the Financial Regulations included provision for procuring goods and services. The Regulations (1.6) stated that the Head of Service could allow exceptions to these regulations if it was believed that the best interests of the PATROL Joint Committee would be served if the regulations were not applied.

A report was submitted which presented the Financial Regulations for 2013/14 and in accordance with section 1.6 of the regulations, provided details of those services which had been procured outside the Financial Regulations during 2012/13.

RESOLVED

1. That the Financial Regulations for 2013/14 be approved.
2. That the information in relation to procurement falling outside those regulations during 2012/13, as set out in paragraph 7.3 of the report, be noted.

17 DRAFT ANNUAL RETURN 2012/13

Consideration was given to a report presenting the draft annual return for the year 2012/13.

It was noted that the adjudication service was operated on a self-financing basis with income obtained by defraying expenses amongst member authorities. At the meeting of Executive Sub-Committee held on 31 January 2012 it had been agreed to adopt the revenue budget estimates for 2012/13, as set out in Appendix 1 of the report. At the meeting of the Executive Sub-Committee held on 31st January 2012 the Lead Officer was given authorisation, in consultation with the Chair, Vice Chair and Assistant Chair to incur expenditure against the revenue budget in excess of

the £3,072,065 set by the Committee, should the need arise, provided such expenditure was within the total income for the year.

The report provided details of the draft 2012/13 Annual Accounts for approval by the Joint Committee. The outturn position was shown at Appendix 1 of the report and the draft Annual Return for 2012/13 was shown at Appendix 2. The accounting statement for 2012/13 had been prepared in accordance with the requirements of the Audit Commission's Small Bodies Annual Return. The completion of the return removed the requirement for a full set of accounts, however, a Balance Sheet was provided for information at Appendix 4. Details of income received and expenditure during 2012/13 was also reported.

It was agreed that the word "draft" should be included when making reference to the Annual Return document.

RESOLVED

1. That the outturn position against the 2012/13 budget, as set out at Appendix 1 of the report, be noted.
2. That the 2012/13 draft Annual Return, as set out at Appendix 2, as circulated at the meeting, be approved.
3. That the Annual Internal Audit Report, as set out at Appendix 3 of the report, be noted.
4. That the audit timetable be noted.
5. That the Balance Sheet, as set out Appendix 4, as circulated at the meeting, be noted.
6. That the surplus of income over expenditure of £308,928 being added to the Joint Committee's reserves be approved and that it be noted that the level of reserves would be reviewed at the January 2014 meeting.
7. That the Code of Corporate Governance, as set out at Appendix 5 of the report, be approved.

18 THANKS TO PREVIOUS CHAIRMAN

The new Chairman, Cllr Jamie Macrae, thanked the previous Chairman Cllr Ken Gregory, on behalf of all the Joint Committee, for his contribution to the work of the Committee during his term of office since 2003.

Cllr Gregory was presented with gifts from the Committee and officers.

Cllr Gregory returned his thanks to the Committee and also paid tribute to the officers concerned for their hard work and support to the Committee during his term of office.

The meeting commenced at 11.30 am and concluded at 12.55 pm

CHAIRMAN Councillor WJ Macrae

PATROL ADJUDICATION JOINT COMMITTEE

Minutes of a meeting of the **PATROL Adjudication Joint Committee**
held on Tuesday, 28th January, 2014 at The Local Government Association,
Local Government House, Smith Square, London, SW1P 3HZ

PRESENT

Councillor Jamie Macrae	Cheshire East Council, in the Chair
Councillor Tony Page	Reading Borough Council
Councillor Mike Carver	East Hertfordshire District Council
Councillor Stuart Hughes	Devon County Council
Councillor David Chadwick	Bolton MBC
Councillor Ian Davey	Brighton & Hove City Council
Councillor Roland Dibbs	Rushmoor Borough Council
Councillor John Baverstock	South Hams District Council
Councillor Peter Cooper	Carmarthenshire County Council
Councillor Andrew Bosmans	Doncaster MBC
Councillor John Leather	Cheshire West and Chester Council

Also Present:

Caroline Sheppard	Chief Adjudicator
Stephen Knapp	Regional Adjudicator
Louise Hutchinson	Head of Service, PATROL
Kathryn Eldridge	Bath & North East Somerset Council (Advisory Board Chair)
Graham Addicott OBE	Independent Member (Advisory Board Vice Chair.
Erica Maslen	PATROL
Miles Wallace	PATROL
Andy Diamond	PATROL
Helen Crozier	Oxfordshire County Council
Emma Widdicombe	South Hams District Council
Robin Chantrill-Smith	Thanet District Council
John McEvoy	Carmarthenshire CC
Lorna Day	Kent CC
Cllr Ken Gregory	Thanet District Council
Councillor Harvey Siggs	Somerset County Council/Mendip DC
Julie North	Cheshire East Council

35 APOLOGIES FOR ABSENCE

Apologies for absence were received from :-

Cllr Graham Burgess – Hampshire County Council
Cllr Richard Bell – Sunderland City Council
Cllr Rachel Lancaster – Coventry City Council

Cllr Alan Mitchell – Sunderland City Council
Cllr Jane Urquhart – Nottingham City Council
Cllr Peter Robinson – Tameside MBC

36 DECLARATIONS OF INTEREST

There were no declarations of Interest.

37 MINUTES OF THE MEETING HELD ON 29 OCTOBER 2013

RESOLVED

That the minutes be approved as a correct record, subject to the addition of Helen Crozier and Emma Widdicombe to the list of those present.

38 WALES UPDATE

Cllr Peter Cooper (Camarthenshire County Council) queried whether PATROL was considering introducing statutory guidelines or would be making comments in relation to the new Operational Guidance. It was confirmed that comments would be made on behalf of the Joint Committee and the Tribunal. It was now understood that the introduction date for civil enforcement in Cardiff was to be July and consideration would be given to this issue when PATROL submitted its comments, in due course.

39 GOVERNMENT RESPONSE TO THE TRANSPORT COMMITTEE'S REPORT ON LOCAL AUTHORITY PARKING ENFORCEMENT AND THE CURRENT CONSULTATION ON LOCAL AUTHORITY PARKING

Consideration was given to a report updating the Joint Committee on the Government's response to the Transport Committee report on Local Authority Parking Enforcement and the current consultation on local authority parking.

It was noted that the Joint Committee had championed transparency in local authority reporting on civil parking enforcement since the introduction of the Traffic Management Act 2004 in 2008, which brought the expectation that local authorities would publish annual reports on their enforcement activity. The Government had indicated its intention to make such reports mandatory. To assist their production and building on the work of the PATROL Annual Report Award, it was proposed that an independent report was commissioned drawing on the experiences of the Annual Report Award Review Group.

In considering the report Members requested that consideration be given to carrying out some work in respect of the assessment of costs relating to enforcement and it was noted that this could be done as part of the commissioning work being carried out in order to assess officer time spent on individual appeals.

RESOLVED

1. That the Government's Response to the Transport Committee Report on Local Authority Parking Enforcement be noted.
2. That the current consultation on local authority parking enforcement be noted.
3. That the results of a recent survey on camera enforcement be noted.
4. That the Adjudicators' response to the Transport Committee report (reported elsewhere in their Annual Report) be noted.
5. That the commissioning of an independent report on best practice in local authority parking annual reports be approved.

40 ANNUAL REPORT OF THE ADJUDICATORS

The Chief Adjudicator, Caroline Sheppard, had presented the Annual Report of the Adjudicators in advance of the meeting.

It was noted that the final version of the report would be circulated to Members.

RESOLVED

That the report be noted.

41 GENERAL PROGRESS AND SERVICES STANDARDS

Consideration was given to a report on progress in respect of the take up of civil parking enforcement powers by Councils in England (outside London) and Wales and information in relation to general progress and service standards.

It was reported that all appellants and Councils were given a direct dial number to their Appeal Coordinator. Where these direct dials were not utilised, a telephone system had been introduced which directed other callers according to their enquiry using an automated attendant. To measure responsiveness, the assumption had been made that callers on average would listen to half the automated attendance (15 seconds), followed by up to three rings to be put through to a member of staff (10 seconds). Responsiveness could be measured in calls answered within 25 seconds. The target for the period June-September was 70%, the actual figure achieved being 69%. The Joint Committee was requested to approve this measure for telephone responsiveness.

RESOLVED

1. That the information provided in respect of take up of civil enforcement of parking powers be noted.
2. That the information in relation to service standards be noted.
3. That the measure for telephone responsiveness be approved.

42 PATROL AGREEMENT AND SERVICES LEVEL AGREEMENT WITH CHESHIRE EAST COUNCIL

The Head of Service for PATROL provided an update in respect of the PATROL Agreement and Service Level agreement (SLA) with Cheshire East Council, the host authority.

At the October meeting of the Joint Committee it had been reported that the revised PATROL AJC agreement, including the terms of appointment of the lead authority, had been approved subject to obtaining written consent from 75% of the Participating Authorities and it was noted that written consent had been obtained from 134 of the Participating Authorities, to date and it was anticipated that the new agreement would be signed off at the January meeting of the Executive Sub-Committee. This figure had now increased to 185 of the Participating Authorities.

One of the main issues preventing the other authorities from providing written consent related to indemnities, namely the issue of insuring officers from another Council. Quotes were, therefore, being obtained for the Joint committee itself to take out insurance and it was hoped that this would provide reassurance and encourage the remaining Councils to sign up.

With regard to the SLA, Cheshire East Council had provided a breakdown of the services it provided and work was been carried out to underpin the SLA document. It was suggested that the Appointments Sub-Committee be reconvened to progress this, with a view to submitting the document to the June meeting of the Joint Committee for approval.

43 BUDGET MONITORING 2013-14

Consideration was given to a report presenting the income and expenditure monitoring information for the year 2013/14.

An amendment was made to paragraph 8.1 of the report to state that "At 31st December 2013, expenditure had been *more* than forecast with an *unfavourable* variance of £34,750".

RESOLVED

1. That, subject to the above amendment, the income and expenditure monitoring information presented in the body of the report be noted.

2. That the Lead Officer be authorised to incur expenditure against the revenue budget in excess of the £3,091,564, should the need arise, provided such expenditure is within the total income.

44 REVENUE BUDGET 2014-15

Consideration was given to a report requesting the Committee to adopt the Revenue budget estimates for 2014/15.

A revised appendix detailing the revenue budget for 2014/15 had been circulated.

It was noted that it was proposed to report the three year Audit Plan to the June meeting of the Joint Committee, following a meeting with Cheshire East Council officers, who would be providing the audit service.

RESOLVED

That the Revenue Budget for 2014/15, as detailed in the revised Appendix, as circulated, be agreed and adopted.

45 RESERVES POLICY STATEMENT

Consideration was given to a report requesting the Committee to review the Reserves Policy Statement for the Joint Committee for 2014/15.

It was reported that the Joint Committee has set aside reserves specifically for the development and implementation of a new case management portal and it was recommended that these reserves be drawn down in 2013/14 and 2014/15, in order to commission the specialist services required through the Government's G Cloud Procurement Portal. It was agreed that regular updates would be provided to the Joint Committee in respect of this matter.

RESOLVED

1. That the Reserves Policy Statement for 2014/15 be approved.
2. That approval be given to the balances of any surplus from 2013/14 being carried forward to 2014/15.
3. That the Chair and the Vice Chair be given delegated authority for authorising the withdrawal of funds from reserves to meet budgetary deficits.
4. That the decision to commission specialist services through the GCloud for the purposes of enhancing the existing web services to provide a case management portal for appellants and Councils be noted and the Head of Service be authorised to draw down from these reserves for the development and implementation of this project as required, subject to the Chair and Vice Chair being notified in advance of each draw down.

46 ANNUAL INVESTMENT STRATEGY

Consideration was given to report on investments during 2013/14, requesting the Joint Committee to approve the annual investment strategy for 2014/15

RESOLVED

That the Annual Investment Strategy 2014/15 be approved.

47 DEFRAYING THE EXPENSES OF THE JOINT COMMITTEE 2014-15

Consideration was given to a report establishing the basis for those participating in the Joint Committee's arrangements to contribute to expenses during 2014/15.

It was recommended that the Joint Committee shared its expenses in proportion to the number of PCNs issued on the following basis for 2014/15:-

ELEMENT	CHARGE
Annual Charge	NIL
Charge per PCN issued	£0.56 pence

An amendment was moved and seconded to reduce the charge per PCN issued to 55p, rather than 56p, as recommended in the submitted report. This was duly carried.

In addition the Joint Committee was asked to approve the principle of introducing a cost per case charge in-year for paper evidence files once the portal was available to Councils. This would be preceded by a report to the Joint Committee or its Executive Sub Committee.

RESOLVED

1. That, taking into account the current level of reserves, the income forecasts and the developments within 2014/15, the basis for the contribution for 2014/15 be reduced to 0.55 pence per PCN.
2. That the principle of introducing a cost per case charge in-year for paper evidence files once the portal is available to Councils be approved. (This would be preceded by a report to the Joint Committee or its Executive Sub Committee).
3. That local authorities be invoiced quarterly in advance, based on estimated figures and subsequently adjusted.

48 CHAIR OF ADVISORY BOARD

The Joint Committee noted the retirement of John Satchwell (Bournemouth Council) and that the Advisory Board had appointed

Kathryn Eldridge (Bath and North East Somerset Council) as the new Chair.

49 DATE OF NEXT MEETING

It was noted that the next meeting of the Joint Committee would take place on Wednesday 25 June 2014 at the Smith Square Conference Centre, London.

50 ANY OTHER BUSINESS

The chairman reported that it was proposed to introduce an electronic newsletter to provide updates and information in respect of PATROL. This would be circulated to all the Local authorities involved in PATROL. It was anticipated that the first newsletter would be published in March or April.

He also reported that PATROL would be taking a stand at the LGA conference in Bournemouth on 8, 9 and 10 July, in order to engage with Authorities who were members of PATROL and to highlight what the body did.

The meeting commenced at 12.00 pm and concluded at 12.55 pm

Councillor WJ Macrae

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PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 25TH June 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Financial Regulations 2014/15

1.0 Report Summary

1.1 This report presents the Financial Regulations for 2014/15.

2.0 Recommendation

2.1 That the Joint Committee

i) Approves the Financial Regulations for 2014/15

3.0 Reasons for Recommendations

3.1 To comply with the Joint Committee's Financial Regulations

4.0 Financial Implications

4.1 Set out within the Financial Regulations

5.0 Legal Implications

5.1 Set out within the Financial Regulations

6.0 Risk Management

6.1 The Financial Regulations provide internal financial control

7.0 Background and Options

7.1 The Joint Committee last approved its Financial Regulations at its annual meeting in June 2013. The Joint Committee is asked to review these Financial Regulations in the light of a number of changes. The Joint Committee's attention is drawn to:

7.1 Orders procedure (evaluating quotes and tenders)

13.1 Internal Audit.

16.1 Expense claims

8.0 **Access to Information**

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

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

APPENDIX 1

PATROL ADJUDICATION JOINT COMMITTEE

FINANCIAL REGULATIONS

2014/15

1. General

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

- 1.8 Whenever any matter arises which may involve financial irregularity, the Head of Service shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Head of Service, and after consultation with the Joint Committee's Treasurer (the Lead Authority's S151 Officer), be referred by them to the Joint Committee. The Head of Service and the Joint Committee Treasurer will determine whether the matter should be referred to Internal Audit. Further in a case where the Head of Service advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

2. Accounting Arrangements

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

3. Banking Arrangements, Cheques and Purchase Cards

- 3.1 All arrangements with the Joint Committee's bankers, including the procedures for the ordering and safe custody of cheques and purchase cards, shall be made under arrangements approved by the Head of Service.
- 3.2 All cheques drawn on behalf of the Joint Committee shall be signed by the Head of Service and Finance Manager, except in their absence or in the case of personal expenses incurred by these post holders, in which

circumstances, named signatories as approved by the Head of Service will provide signatures.

- 3.3 Purchase cards can be used to a pre-set limit of £50,000 per month and £15,000 per single transaction and will be used in accordance with agreed procedures including storage, authorized users and record keeping requirements.
- 3.4 Bank reconciliation will be undertaken on a monthly basis (within 30 days) and signed by two members of staff in accordance with the Bank Reconciliation Procedure with one signature being that of the Finance Manager.
- 3.5 The Head of Service will sign a summary sheet to ensure that bank reconciliations are completed in accordance with the financial regulations.

4. Revenue and Capital Budgets

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

5. Income

- 5.1 The collection of all money due to the Joint Committee shall be under the supervision of the Head of Service.
- 5.2 All money received shall be without delay passed for payment to the Joint Committee's bank account.
- 5.3 The Head of Service shall be furnished with information to ensure the prompt rendering of accounts for the collection of income.
- 5.4 Following year-end, the Head of Service shall request a self-certification of penalty charge notices issued by member authorities.
- 5.5 The Head of Service shall report all bad debts to the Joint Committee for these to be written off. This report will include the cause of the bad debt and the recovering measures taken in accordance with the Debt Recovery Procedure.
- 5.6 Through regular budget monitoring reports, the Head of Service will apprise the Joint Committee of variations in achieved income in order that the Joint Committee can take appropriate actions in a timely manner.

6. Borrowing and Investments

- 6.1 The Joint Committee approves on an annual basis a Treasury Management Statement prepared with advice from the Treasurer. Where applicable, this will take into account any Joint Committee policies in relation to reserves.

7. Orders and Contracts

- 7.1 The Order Procedure includes the required procedures, record keeping and procurement thresholds. These procurement thresholds are set out below together with the responsibilities of the Head of Service and budget holders in procurement.

Up to £2,000, a written quotation submitted by the requisitioner and authorized by the Budget Holder.

Between £2,000 and £30,000 – three written quotations submitted by the Budget Holder.

£30,000 to EU threshold – formal tender process to at least three candidates authorised by the Head of Service.

EU threshold to £250,000 follow EU tender rules initiated by the Head of Service.

In evaluating quotations or tenders, the aim will be to achieve the most economically advantageous outcome, taking into account quality, cost and delivery experience. Such decisions will be documented. Where the lowest price option is not chosen, the Head of Service must approve prior to goods/services being commissioned.

Only budget holders and staff who have received training in the order procedure may order goods or services.

The Head of Service will ensure that staff involved in procurement are aware of financial thresholds and the need for aggregation with single suppliers in respect of purchasing thresholds. Market testing will be undertaken on a three year cycle.

The Head of Service is required to obtain approval from the Joint Committee in respect of the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract.

The Head of Service is required to obtain approval from the Joint Committee in respect of tenders of a sub contractor or supplier for specialist work or material in excess of £100,000 for which a prime cost sum is included in the main contract sum for services, building and civil engineering works.

- 7.2 The Head of Service has the authority to waiver these rules (excluding those falling within the EU threshold) where the interests of the Joint Committee would be best served. Such circumstances would include where there is only one contractor that is able to provide goods and services or where the need for such goods and services was urgent and the above procedure would be detrimental to the Joint Committee. Forward planning and market testing will be deployed to ensure that cases of waiver are minimised. The Head of Service shall maintain a record of such decisions and report to the Joint Committee at the earliest opportunity.

8. VAT

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

9. Reserves

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

10.0 Equipment

- 10.1 The Head of Service will ensure that all staff are aware of their responsibility for the security and proper recording of equipment under their control including their personal responsibility with regard to the protection and confidentiality of information whether held in manual or computerized records in accordance with the Information Security Policy. All equipment over £1,000 in value must be recorded in the Equipment Inventory in accordance with the Asset Management Policy. The Head of Service will all ensure that no Joint Committee equipment is subject to personal use by an employee without proper authorisation.

11.0 Insurance

- 11.1 The Head of Service shall in consultation with the Joint Committee's Treasurer, arrange such insurances as he/she considers necessary.
- 11.2 Officers shall give prompt notification to the Head of Service of all new risk or any alterations which may affect existing insurances.
- 11.3 Officers shall inform the Head of Service promptly in writing of any events which may involve the Joint Committee in a claim.

12. Risk

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

13. Internal Audit

- 13.1 The Joint Committee shall approve an annual plan.
- 13.2 The Head of Service will, in accordance with the above plan, arrange for the internal audit of accounts and internal assurance framework of the

Joint Committee. Internal audit is currently undertaken by the Lead Authority's Internal Audit Department.

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

13.4 Audit Reports will be presented to the Joint Committee.

14. External Audit

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

14.2 The Head of Service will make such arrangements as are necessary to facilitate this audit.

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

14.4 Audit Reports will be presented to the Joint Committee.

15. Petty Cash

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

16. Expenses

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

17. Gifts and Hospitality Register

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

18. Declaration of Interest

18.1 All staff with financial responsibilities will be required to complete a Declaration of Interest form on an annual basis at the end of each financial year. Members at each meeting will be provided with the opportunity to declare a pecuniary or non-pecuniary interest. The Head of Service will

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

19. Anti-fraud, anti-corruption and whistleblowing

19.1 Compliance with these financial regulations is supported by policies and procedures in respect of anti-fraud, anti-corruption and whistleblowing. Where staff have concerns in this respect, they should approach their Line Manager, the Head of Service or if they wish to speak to someone external to the organization, they can contact the Audit Commission Whistleblowing Hotline on 0845 052 2646. The Head of Service will ensure that staff are aware of whom they contact both within and external to the organisation in these circumstances.

20. Document Retention

20.1 All financial documents will be retained for a period of six years in addition to the current year in accordance with the Document Retention Policy.

21. Review

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

20 Financial Regulations – related documentation

- (i) Financial Standing Orders and Rules of Financial Management contained within the Joint Committee Agreement
- (ii) The Scheme of Delegation to the Head of Service
- (iii) Code of Corporate Governance
- (iv) Treasury Management Statement (where applicable)
- (v) Reserves Policy Statement (where applicable)
- (vi) Responsibilities of the Joint Committee are set out in the Joint Committee Agreement.
- (vii) Terms of reference for the Executive Sub Committee (where applicable)
- (viii) Terms of reference for the Advisory Board
- (ix) Financial Regulations – Operational Procedures Manual containing all policies, procedures and guidelines to staff referenced within these Regulations.

22. Review and approvals

21 September 2010

28 September 2011

26 June 2012

25 June 2013

PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 25TH June 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Draft Annual Return 2013/14

1.0 Report Summary

1.1 This report presents the draft annual return for the year 2013/14

2.0 Recommendation

That the Joint Committee:

2.1 Notes the outturn position against the 2013/14 budget (Appendix 1).

2.2 Approves the 2013/14 draft Annual Return (Appendix 2)

2.3 Notes the Annual Internal Audit Report and the audit plan for 2014/15 (Appendix 3)

2.4 Notes the audit timetable.

2.5 Notes the Balance Sheet (Appendix 4)

2.6 Approves the surplus of income over expenditure of £268,740 being added to the Joint Committee's reserves and to note that the level of reserves will be reviewed at the January 2015 meeting.

2.7 Approves the Code of Corporate Governance (Appendix 5)

3.0 Reasons for Recommendations

3.1 To finalise accounts for 2013/14

4.0 Financial Implications

4.1 As outlined in the report

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 None

7.0 Background and Options

7.1 The adjudication service is operated on a self-financing basis with income obtained by defraying expenses amongst member authorities.

7.2 At the meeting of Executive Sub-Committee held on 29th January 2013 it was agreed to adopt the revenue budget estimates for 2013/14 set out in Appendix 1.

7.3 At the meeting of the Executive Sub-Committee held on 29th January 2013 the Lead Officer was given authorisation in consultation with the Chair, Vice Chair and Assistant Chair to incur expenditure against the revenue budget in excess of the £3,091,564 set by the Committee should the need arise, provided such expenditure is within the total income for the year.

7.4 This report provides details of the draft 2013/14 Annual Accounts for approval by the Joint Committee.

7.5 The outturn position is shown at Appendix 1

7.6 The draft annual return for 2013/14 is shown at Appendix 2. The accounting statement for 2013/14 has been prepared in accordance with the requirements of the Audit Commission's Small Bodies Annual Return. The completion of the return removes the requirement for a full set of accounts however a Balance Sheet is provided for information at Appendix 4.

7.7 During 2013/14, the Joint Committee received income as follows:

	£
Parking PCN Income	2,638,442
Non PCN Income	0
Internal Recharge to Bus Lanes	616,681
Parking PCN Adjustments (financial year) ¹	
Parking PCN Adjustments ²	-
Bank Interest	5,724
Total	3,260,847

7.8 During 2013/14 income to the parking account exceeded budget as follows:

Item	Budget £	Actual £	Variance/ (Improvement) £
Parking Income	2,494,960	2,596,104	101,144
Parking PCN Adjustments Financial Year	0	42,338	42,338
Parking PCN Audit Adjustments	0	0	0
Non PCN Income	0	0	0
Bus Lane Recharge	320,000	616,681	296,681
Interest	10,000	5,724	(4,276)
Reserves	266,604	0	(266,604)
Total	3,091,564	3,260,847	169,283

7.9 Income to the parking account can be summarised as follows:

- a) There has been a positive variance of £169,283
- b) The amount of £42,338 is derived from adjustments to ensure that the accounts reflect income received in the correct financial year.
- c) A rebate of £0 applies in relation to adjustments arising from the year end audit certificate.
- d) Bank interest of £ 5,724 has been received.
- e) The number of Bus Lane appeals increased from 2,242 in the year 2012/13 to 4,073 in the year 2013/14, an increase of 81.7%

7.10 Expenditure during 2013/14 was budgeted as £3,091,564. Expenditure was £2,992,106 reflecting a positive variance of £99,458. Expenditure during 2013/14 can be summarised as follows:

- a) Adjudicators

The overall budget for adjudicators was set as £1,231,105. Expenditure of £979,869 was incurred, giving a favourable variance of £251,236.

Fourteen new adjudicators were recruited and trained during 2013/14. The regional adjudicator structure remained in place. The Chief Adjudicator role was not advertised. The main factor giving the favourable variance was part-time adjudicator fees being lower than predicted.

- b) Employees

Employee costs are showing a positive variance of £67,577. This is due to lower than anticipated expenditure on staff training and saving on staff establishment costs due to unfilled vacancies during the period.

c) Premises/Accommodation

There is an unfavourable variance of £205,042 for premises (rents, rates and water). This can be attributed to the refurbishment and removal to the Wilmslow premises, and overlap of costs for the two premises.

d) Transport

There is a favourable variance of £13,854 in respect of transport for staff and hearing centre supervisors. This is in respect of the second of four annual payments to staff in respect of excess travel costs associated with relocation to Wilmslow whereby elected monthly claims have been lower than budgeted annual amounts, combined with the resignation of staff within the period.

e) Supplies and Services

Supplies and Services expenditure shows an unfavourable variance of £124,295 which can be attributed to Joint Committee legal advice across a range of matters.

f) Information Technology

There is a positive variance of £36,476 which consists of underspend across a large number of IT budget lines.

g) Service Management and Support

Total expenditure of £81,047 reflects charges from both Manchester City Council and Cheshire East Council.

h) Audit Fees

Under Section 3 of the Audit Commission Act 1998, the Audit Commission appoints external auditors to audit the accounts of all local government authorities. The definition of smaller relevant bodies for whom a limited assurance audit is permitted has been revised to include those whose gross income or expenditure is less than £6.5 million. External audit fees totalled £2,400 in 2013/14. Internal Audit Costs totalled £6,900 in the same year.

7.11 Reserves at 31 March 2014

The reserves level at 31 March 2013 was £2,183,991. During 2013/14, a surplus of £ 268,740 has been achieved which takes the reserves at 31 March 2014 to £2,452,731.

The reserves level will be reviewed for approval at the January 2015 meeting. Any excess in the approved reserves level will be taken into account in January 2015 in setting the budget for 2015/16.

7.12 There is a requirement for a public notice for the rights of electors to inspect the accounts after the Joint Committee has approved them. The Auditors, BDO LLP have confirmed the following timetable for 2013/14.

7.13 2013/14 Accounts and Audit Programme

Stage	2013/14
Display Notice	9 th June 2014 to 22 nd June 2014
Draft annual return submitted to PATROLAJC for approval	PATROLAJC meeting 25 th June 2014
Make records available	23 rd June 2014 to 18 th July 2014
Submission of Annual Return and Supporting Documents to BDO	21 st July 2014
Publication of audited accounts	By 30 th September 2014

8.0 Access to Information

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

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

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Section 1 – Accounting statements 2013/14 for:

Enter name of reporting body here:

**PARKING & TRAFFIC REGULATIONS
OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE**

	Year ending		Notes and guidance
	31 March 2013 £	31 March 2014 £	
1 Balances brought forward	1,867,581	2,183,991	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.
3 (+) Total other receipts	2,940,663	3,260,847	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	1,575,808	1,703,652	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	1,048,445	1,288,455	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	2,183,991	2,452,731	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	2,128,790	2,059,769	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 2014 the accounting statements in this annual return present fairly the financial position of the body and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

A. Bates
RESIGNED

Date 12/06/14

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

DD/MM/YYYY

and recorded as minute reference:

MINUTE REFERENCE

Signed by Chair of meeting approving these accounting statements:

Date

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Section 2 – Annual governance statement 2013/14

We acknowledge as the members of 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 2014, that:

	Agreed –		'Yes' means that the body:
	Yes	No*	
1 We approved the accounting statements prepared in accordance with the requirements of the Accounts and Audit Regulations and proper practices.	✓		prepared its accounting statements in the way prescribed by law.
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 laws, regulations and proper practices that could have a significant financial effect on the ability of the body to conduct its business or on its finances.	✓		has only done what it has the legal power to do and has complied with proper practices in doing so.
4 We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		during the year has given all persons interested the opportunity to inspect and ask questions about the body's accounts.
5 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.
6 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.
7 We took appropriate action on all matters raised in reports from internal and external audit.	✓		responded to matters brought to its attention by internal and external audit.
8 We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on the body and where appropriate have included them in the accounting statements.	✓		disclosed everything it should have about its business activity during the year including events taking place after the year-end if relevant.

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

dated

Signed by:

Chair

dated

Signed by:

Clerk

dated

*Note: Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how the body will address the weaknesses identified.

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Section 4 – Annual internal audit report 2013/14 to

ENTER REPORTING BODY NAME HERE

The body's internal audit, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2014.

Internal audit has been carried out in accordance with the body's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the body.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A Appropriate accounting records have been kept properly throughout the year.	✓		
B The body's financial regulations have been met, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C The body 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 requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F Petty cash payments were properly supported by receipts, all expenditure was approved and VAT appropriately accounted for.	*	✓	
G Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied.	✓		
H Asset and 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 (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and, where appropriate, debtors and creditors were properly recorded.	*	✓	

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

* SEE INTERNAL AUDIT REPORT.
 THESE ARE AGREED - ADDITIONAL NOTES PER APPENDIX C OF THE AUDIT REPORT.

Name of person who carried out the internal audit: NEIL TAYLOR (AUDIT MANAGER, CHESHIRE EAST COUNCIL)

Signature of person who carried out the internal audit:  Date: 12/06/2014

*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).

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Internal Audit Report

PATROL SMALL BODIES ANNUAL RETURN 13/14

Report status: Final Report
Report date: 9 June 2014
Prepared by: Kate Ramczyk

Contents		Page Number
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Appendix A	Action plan	6
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Appendix C	Summary of results for the Annual Return	17

Distribution List

Louise Hutchinson – Head of Service
Erica Maslen – Finance Manager

Executive Summary

The Review

This report summarises the findings from the Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROL AJC) and the Bus Lane Adjudication Service Joint Committee (BLASJC) audit.

Cheshire East Internal Audit reviewed the adequacy and effectiveness of the controls in place in respect of the control objectives detailed within Section 4 of the Audit Commission Small Bodies in England Annual return for the financial year ended 31 March 2014. In addition, the recommendations made in last year's Manchester City Council Internal Audit Report were followed up and any outstanding issues have been raised in this report.

Although PATROL does not operate a petty cash/imprest system (Control objective F on the Small Bodies Annual Return), they do have a number of purchase cards, therefore, a review of the processes and controls in operation in relation to the cards was undertaken.

Whilst there is a separate Joint Committee for the Bus Lane Adjudication Service, it does share a number of systems and processes with PATROL. As a consequence, the audit work relating to PATROL could be used as a reasonable source of assurance. Where independent systems and processes were in operation for Bus Lanes sample testing was undertaken ensuring that the sampling was proportionate to the volume of transactions in relation to the PATROL and Bus Lanes AJC.

This draft report has been produced on an exception basis in order to inform you of our key findings and recommended actions. It is issued in order that we may confirm the factual accuracy of the findings and agree recommended actions that if implemented, will lead to improvements in the control environment.

Background

The Traffic Penalty Tribunal is an independent tribunal where impartial lawyers consider appeals by motorists and vehicle owners whose vehicles have been issued with:

- Penalty Charge Notices by councils in England and Wales enforcing parking under the Traffic Management Act 2004
- Penalty Charge Notices by councils in England undertaking civil bus lane enforcement under The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations (2005 SI No 2757).

Under the above legislation and regulations, councils operating civil parking and bus lane enforcement functions are responsible for defraying expenses in relation to the remunerations of the Adjudicators of the Traffic Penalty Tribunal. The Enforcement Authorities are required to carry out this function through a Joint Committee which they are required to set up for this and related purposes. The PATROL and Bus Lanes AJC's perform this function. In accordance with legislation and regulations, the constituent authorities of each Committee defray expenses in such a proportion as they decide.

Key Findings

Testing revealed that on the whole, controls are in place and working effectively, however, some inconsistencies were noted. The main areas for improvement are:

Procurement:

- Ensuring quotations are obtained and retained in accordance with the Financial Regulations
- The Financial Regulations should be revised to ensure the basis for the selection of quotations is documented
- Ensuring all purchases in excess of £30k are procured in accordance with the Regulations (either by tender or if a tendering exercise is not undertaken, this should be reported upon appropriately)
- Upon approval of the Delegation of Functions to the Head of Service, a local Scheme of Financial Delegation should be developed, approved and implemented

Income:

- A Bad Debt Policy and Procedure should be developed, approved and implemented
- The duties of banking income and reconciling the bank accounts should be undertaken by different officers

Purchase Cards:

- Purchase cards should be suspended / cancelled promptly when cardholders are absent from work for an extended period of time or leave the employment of the organisation

Payroll & Expenses:

- Adjudicator mileage claims should be supported with details of the journeys undertaken

- Ensuring expenditure claimed through expenses is appropriate and in accordance with the Expenses Policy
- The Expenses Policy should be revised to include the use of public transport
- Ensuring home to work mileage is deducted from journeys claimed by staff

Assets:

- The IT asset register should be updated as and when equipment is disposed of and/or if there is a change to the assigned user
- Furthermore, an annual independent check of IT assets should be undertaken and evidenced as such
- Asset disposals should be formally documented and authorised in accordance with the Asset Management Policy
- Ensuring investments are placed in accordance with the Annual Investment Strategy

Bank Reconciliations:

- Bank reconciliations should be undertaken promptly and independently reviewed and evidenced as such

In addition to the key findings summarised above and detailed on Appendix A, a small number of findings and associated recommended actions deemed to be “low” priority have been informally reported to the Body.

Actions

Full details of the findings and recommended actions arising from the audit can be found at Appendix A.

Conclusions

The work undertaken by Internal Audit has provided assurance that the majority of controls are operatively effectively with regard to the control objectives detailed on the 2013/14 Annual Return for both the PATROL and Bus Lane Adjudication Joint Committees. Appendix C confirms the results of the audit work as will be entered on the Annual Return.

The testing has shown that there are some inconsistencies in the application of the controls in place and some areas for improvement. However, the implementation of the recommended actions will improve the control environment and help ensure the identified risks are mitigated.

Opinion

Satisfactory Assurance

Controls are adequate to address the control objectives stated within Section 4 of the Audit Commission Small Bodies in England Annual return. Testing has shown that there are some inconsistencies in the application of the controls, and attention is needed to improve the effectiveness of these controls.

Appendix A – Findings & Action Plan

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action
A: Appropriate accounting records have been kept properly throughout the year.							
No issues to report.							
B: The body's financial regulations have been met, payments were supported by invoices, all expenditure was approved and VAT appropriately accounted for.							
1	A mail control filtering system was purchased during 13/14 with an order value just in excess of £5k. Only one quotation was held on file which suggests that the Financial Regulations had not been complied with. The Regulations state 3 quotations should be obtained for purchases in excess of £2k.	Purchasing arrangements adopted may not provide value for money or prevent waste and fraud.	The Head of Service should remind all staff that quotations should be obtained/retained in accordance with the Financial Regulations for all purchases in excess of £2k and up to £30k. Where is not possible/feasible to obtain the necessary quotes, this should be appropriately reported and approved.	Medium	July 14	Head of Service	To hold a Budget Holder Meeting which will re-enforce all Budget Holder responsibilities, limits and authorisation processes (including quotes and tendering).
2	Although the Financial Regulations set out the threshold for obtaining quotations, they do not include the basis on which a successful quotation should be awarded and the procedure for reporting exceptions.	Purchasing arrangements adopted may not provide value for money or prevent waste and fraud.	The Financial Regulations should be revised to include the basis for selecting successful quotations. This should also include the procedures to be followed in the event that selection of a successful quotation is not in accordance with the Rules.	Medium	25/06/14	Head of Service	Financial Regulations amended, to be taken to Joint Committee on 25/06/14 for approval.
3	An order for 40 laptops was placed in August 2013, with a value in excess of £45k. In accordance with the Financial Regulations, orders in excess of	Purchasing arrangements adopted may not provide value for money or prevent waste and fraud.	All purchases in excess of £30k should be tendered in accordance with the Financial Regulations.	Medium	25/06/14	Head of Service	Non-compliant purchase to be reported to next joint Committee (25/06/14). Re-enforce procedure at Budget Holder Meeting July 14

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action
	<p>£30k should follow a formal tender process to at least three candidates authorised by the Head of Service. In this instance, the order was not put out to tender.</p> <p><i>(Originally, the Body looked to purchase 20 laptops and obtained 3 quotations from suppliers as the value of the purchase was under the £30k tender threshold, the cheapest quotation that met the requirements was £24,800. Following this exercise, a further 20 laptops were required due to the recruitment of more adjudicators, therefore, the requirement for laptops increased to 40 laptops. A decision was taken to order the 40 laptops from the supplier providing the cheapest quote for 20 laptops.</i></p> <p><i>The Financial Regulations does state "the Head of Service has the authority to waiver these rules (excluding those falling within the EU threshold) where the interests of the Joint Committee would be best served. Such circumstances would include where there is only one contractor that is able to provide goods and services or where the need for such goods and services was urgent and the above procedure would be detrimental to the Joint Committee.... The Head of</i></p>		<p>Furthermore, with regards to the purchase of the laptops, the Head of Service should report the non-compliant purchase to the Joint Committee at the earliest opportunity.</p>				

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action
	<i>Service shall maintain a record of such decisions and report to the Joint Committee at the earliest opportunity).</i>						
4	<p>At the time of audit review it was noted that the Delegation of Functions to the Head of Service was being developed as part of the Service Level Agreement (SLA) and is to be finalised and presented to the Joint Committee in June 2014 for approval.</p> <p>The work undertaken by Internal Audit in relation to procurement and banking highlighted that although the Body has well established local delegations, these have not been formally set out in a Local Scheme of Financial Delegation.</p>	Non-compliance with Financial Regulations resulting in unauthorised or improperly authorised transactions.	<p>Upon approval of the SLA (including the delegation of functions to the Head of Service) a local scheme of financial delegation should be developed, approved and implemented.</p> <p>The scheme should list the relevant officers/budget holders and values to which they can approve / incur expenditure. It should also include the bank account signatories and purchase card holders and their card respective transaction limits.</p>	Medium	Oct 2014	Head of Service	<p>SLA with Host Authority (including delegation of functions to Head of Service) to be presented for approval at October 2014 Joint Committee.</p> <p>Local Scheme of Delegations from Head of Service to Budget Holders and authorising officers to be drafted for approval at October 2014 Joint Committee.</p>
C: The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.							
No issues to report.							
D: The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.							
No issues to report.							
E: Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.							
5	<p>The Body does not have a Bad Debt Policy & Procedure.</p> <p><i>Whilst it is acknowledged that the Body does not currently have an issue with bad debts, it is</i></p>	The Body fails to establish an appropriate charging policy and there are ineffective and	A Bad Debt Policy and Procedure should be developed, approved and implemented at the earliest opportunity.	Medium	Oct 2014	Finance Manager	To be drafted for approval at October 2014 Joint Committee.

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action
	<i>considered prudent and good practice to have a policy and procedure in place in the event that bad debts occur.</i>	inaccurate systems for accounting for income due and cash collected.					
6	<p>There is very little segregation of duties in relation to the banking of income and reconciling the bank accounts.</p> <p><i>Internal Audit appreciates that the Finance Team only comprises 3 members of staff; however, during 13/14 the same officer was responsible for reconciling the bank accounts and the banking of income. There is a compensating control in place in that the bank reconciliations are independently reviewed and authorised, however, it is not considered best practice for the same officer to be involved in these duties.</i></p>	The Body may have ineffective and inaccurate systems for accounting for income due and cash collected which do not prevent fraud or error.	Where possible the duties of banking of income and reconciling the bank accounts should be undertaken by separate officers.	Medium	Completed	Finance Manager	Procedure amended and re-issued.
F: Petty cash payments were properly supported by receipts, all expenditure was approved and VAT appropriately accounted for.							
7	At the time of the audit review, two purchase cards were held in the safe due to the cardholders being absent from work for an extended period of time. The cards were still active and had not been suspended or cancelled.	Purchase Card facilities could be used ineffectively managed, and used inappropriately.	Purchase cards should be suspended/cancelled as appropriate at the earliest opportunity when cardholders are absent from work for an extended period of time or have left the employment of the organisation.	Medium	Completed	Finance Manager	Procedure amended and re-issued.

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action
G: Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied.							
8	<p>The Adjudicator expense claim forms do not provide sufficient details to support the mileage amounts claimed.</p> <p><i>(This issue was raised by MCC in the previous year's audit)</i></p>	Payroll payments may not be made in accordance with levels of delegated authority and are processed without regard to established procedures, which could lead to possible fraud or error.	The Adjudicator claim form should be revised to ensure all journeys undertaken are itemised (including start/end locations and distance travelled for each journey) in order to support the mileages claimed.	Medium	Sept 2014	Head of Service	Procedures, Guidelines and forms to be revised and re-issued to allow review in detail of all mileage claimed.
9	<p>A sample of 8 staff expense claims was selected and checked, the following issues were identified:</p> <ul style="list-style-type: none"> • A member of staff purchased and claimed for an anti-virus software package and IT equipment - such items are not listed as appropriate expenditure in the expenses policy • One staff member claimed mileage for two large journeys (roughly 500 miles per trip). The destination information provided on the form was not sufficient to check whether the mileage claimed was appropriate, nor was there any evidence to suggest that travel 	Payroll payments may not be made in accordance with levels of delegated authority and are processed without regard to established procedures, which could lead to possible fraud or error.	All staff (including approving officers) should be reminded of the types of expenditure that are deemed appropriate to claim through expenses. All other types of expenditure should be procured via the official purchase order procedure or by credit card.	Medium	Completed	Head of Service	Expenses Policy amended and approved by Advisory Board May 2014

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action
	<p>by public transport had been considered prior to claiming for and paying substantial amounts in mileage expenses</p> <ul style="list-style-type: none"> There is no evidence to suggest staff are deducting their home to work mileage on journeys claimed 						
10	As above.	As above.	The Head of Service should consider revising the Expenses Policy to ensure the use of public transport is considered when planning business journeys. Where practicable, staff should travel by public transport and the amounts claimed and paid should be no more than the cost of a standard travel ticket.	Medium	Completed	Head of Service	Expenses Policy revised and approved by the Advisory Board May 2014
11	As above.	As above.	All staff (including approving officers) should be reminded of the need to ensure home to work mileage is deducted from journeys claimed for.	Medium	July 14	Head of Service	Re-issue of Expenses Policy highlighting areas of concern and any changes to policy.
12	Staff have previously been requested to provide their driver documentation (driving licence, insurance certificate and MOT); however, the information held is not up to date.	The Body and/or members of staff could be exposed to risk and may be held liable if official business	<p>The following documentation should be requested from all PATROL staff:</p> <ul style="list-style-type: none"> Driving licence (both parts) 	Medium	Completed	Finance Manager	Database of all required documentation established. Reviewed each month.

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action
		journeys are undertaken without appropriate and adequate insurance cover.	<ul style="list-style-type: none"> MOT certificate Insurance policy (clearly showing they are covered for business use) <p>A record of the above details should be maintained for every member of staff and checked on a regular basis to ensure staff submit their updated documents and policies as and when they expire/are renewed.</p>				
H: Asset and investment registers were complete and accurate and properly maintained.							
13	An annual independent check of the assets listed on the IT asset register is not undertaken.	Assets may not be adequately recorded and safeguarded.	An annual check of assets listed on the IT asset register should be undertaken and documented as such by an officer independent to the day to day maintenance of the register. <i>(The current register could be revised to include a column for "date of last physical check")</i>	Medium	Mar 15	Finance Manager	Asset Registers to be amended. Annual check to be performed as part of the year end process, prior to audit. Procedures to be amended and issued.
14	IT asset disposals are authorised by the Head of Service but the authorisation is not formally documented. The Asset Management Policy states: "All disposals will be approved in writing by the Head of Service".	Assets may not be adequately recorded and safeguarded.	Disposals of IT equipment should be formally documented and approved in accordance with the Asset Management Policy. This can be achieved by producing a schedule of obsolete items and the reasons for disposal for the Head of Service to approve.	Medium	Mar 15	Finance Manager	Asset Registers to be amended. Annual check to be performed as part of the year end process, prior to audit. Procedures to be amended and issued

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action
15	<p>A sample of 6 items from the IT asset register was selected to verify their existence and vice versa. This highlighted a couple of issues which would suggest that the register is not up to date:</p> <ul style="list-style-type: none"> • A desktop pc which was listed as unassigned had been disposed of but not reflected on the inventory • A desktop pc and monitor located in the "Clif" meeting room was assigned to a user in the Finance Office on the IT asset register. 	Assets may not be adequately recorded and safeguarded.	The IT asset register should be updated as and when equipment is moved and/or disposed of.	Medium	Sept 14	Finance Manager	<p>Ensure procedures are correct and re-issue.</p> <p>To form part of the annual review.</p>
16	<p>As per the Annual Investment Strategy, investments should be spread over at least 2 banks to spread the risk.</p> <p>At the time of the audit review, PATROL had 3 investments all placed with HSBC.</p>	The Body fails to invest surplus funds prudently and in accordance with the Annual Investment Strategy.	Investments should be placed in accordance with the Annual Investment Strategy, therefore, the current investments should be reviewed and steps taken to ensure they are placed with different banks.	Medium	July 14	Finance Manager	<p>Rolling program of deposits to be implemented.</p> <p>Actual deposits to be reviewed as part of Month End process with Head of Service.</p> <p>Procedures to be amended and re-issued.</p>
I: Periodic and year-end bank account reconciliations were properly carried out.							
17	<p>A sample of bank reconciliations for 13/14 was selected and checked, the following issues were noted:</p> <ul style="list-style-type: none"> • The bank reconciliations for April to August 2013 had not been reconciled within 30 days as per the Financial Regulations (<i>this issue was</i> 	Banking processes adopted do not ensure accounting records and underlying accounts are accurate and do not prevent fraud	Bank reconciliations should be undertaken within 30 days of the month end in accordance with the Financial Regulations. Furthermore, the reconciliation should be signed and dated by the performing and checking officers prior to authorisation	Medium	Completed	Finance Manager	This is now undertaken as part of the documented Month End process.

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action
	<p><i>raised by MCC in the previous year's audit)</i></p> <ul style="list-style-type: none"> The May 13 reconciliation had not been signed and dated by a checking officer <p><i>(A scan review of the bank reconciliation file showed there were no delays in reconciling the accounts from October 2013 to March 2014)</i></p>	or error.	by the Head of Service.				
<p>J: Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and, where appropriate, debtors and creditors were properly recorded.</p>							
<p>No issues to report.</p>							

Appendix B – Audit Opinion and Priority Rating for Individual Findings

Audit Opinion

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

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

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

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

Priority Rating for Individual Findings

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

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

Appendix C – Summary of Results for the Annual Return

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

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

** *The work undertaken by Cheshire East Internal Audit provided assurance that controls are operating effectively. However, this is assurance is given subject to any findings/actions raised in the forthcoming 13/14 External Audit.*

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APPENDIX 4 – Balance Sheet as at 31.03.14**Current Assets**

LA Debtors	797,499
Other Debtors	144,840
VAT	
Cash and Bank	<u>2,059,769</u>
Total	<u>3,002,108</u>

Current Liabilities

Trade Creditors	258,816
Other Public Bodies	
Other Creditors	<u>290,562</u>
Total	<u>549,378</u>

Net Current Liabilities**2,452,731**

Long Term (Liabilities)/Assets 0

NET ASSETS**2,452,731****Financed By:**

Pension Reserve	
Reserves BF	2,183,991
Current Year Surplus	268,740

TOTAL NET WORTH**2,452,731**

0

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**PATROL ADJUDICATION JOINT COMMITTEE
CODE OF CORPORATE GOVERNANCE**

JUNE 2014

Background

The PATROL Adjudication Joint Committee, has been established to enable Councils having Civil Enforcement Area Orders to exercise their functions under Section 81 of the Traffic Management Act 2004 and Regulations 17 and 18 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. These functions are exercised jointly with the other councils in accordance with the requirements of Regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

The functions exercised by the PATROL Adjudication Joint Committee on behalf of its constituent councils are appointing independent adjudicators to the Traffic Penalty Tribunal, providing these adjudicators with administrative staff and accommodation and providing hearing venues. Its remit in relation to the Tribunal is limited to these matters. The Joint Committee also undertakes such other associated functions as the participating Authorities may lawfully arrange Joint Committee to perform as they from time to time consider appropriate.

The PATROL Adjudication Joint Committee (PATROLAJC) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The PATROLAJC also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the PATROLAJC is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

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

The Code of Corporate Governance

The PATROL Adjudication Joint Committee's Code of Corporate Governance chimes with the overall aim of the CIPFA/SOLACE framework (CIPFA/SOLACE Framework "Delivering Good Governance in Local Government" 2007 to promote effective governance i.e. "doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner" However, the PATROL Adjudication Joint Committee is mindful of its specific remit, role and responsibilities in adopting the core principles of the CIPFA/SOLACE framework to promote effective governance.

To clarify this the Joint Committee and the Adjudicators hold a Memorandum of Understanding which is reviewed on an annual basis.

- a) Focusing on the purpose of the Joint Committee, its objectives and outcomes.
 - Exercising strategic leadership and clearly communicating its purpose and vision and intended outcomes.
 - Ensuring that users receive a high quality of service.
 - Ensuring that best use is made of resources to achieve value for money.
- b) Members and officers working together to achieve a common purpose with clearly defined functions and roles.
 - Effective leadership and clarity about executive and non-executive functions.
 - Ensuring a constructive working relationship exists between authority members and officers with responsibilities carried out to a high standard.
- c) Promoting values for the Joint Committee and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
 - Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.
 - Ensuring values are put into place and are effective.
 - The Joint Committee's Standing Orders are reviewed on an annual basis.
- d) Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
 - Being rigorous and transparent about how decisions are taken.
 - Having good quality information, advice and support to ensure that services are delivered effectively.
 - Ensuring that an effective risk management system is in place.
- e) Developing the capability of members and officers to be effective
 - Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles.
 - Developing the capability of people with governance responsibilities

f) Stakeholders are engaged with to ensure robust accountability

- Effectively engaging with stakeholders
- Taking an active and planned approach to dialogue

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

- i) Structure its governance arrangements.
- ii) Annually monitor effectiveness
- iii) Demonstrate how core principles will be applied and compliance tested.

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

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PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 25th June 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Review of Governance

1.0 Report Summary

1.1 This report presents governance documentation and arrangements for review.

2.0 Recommendation

2.1 That the Joint Committee:

- i) Notes the position in relation to the revised PATROL Adjudication Joint Committee Agreement approved at the June 2013 meeting.
- ii) Approves the Service Level Agreement for 2014/15 between the Joint Committee and the Host/Lead Authority and notes the arrangements for reviewing the Scheme of Delegation to the Head of Service (Appendix 1).
- iii) Approves the Standing Orders for 2014/15 (Appendix 2).
- iv) Approves the updated Memorandum of Understanding between the Joint Committee and the Adjudicators (Appendix 3).
- v) Appoints persons to fulfil the function of the proper officer under the relevant regulations
- vi) Notes the cycle and location of meetings for 2014/15

3.0 Reasons for Recommendations

3.1 To fulfil the governance requirements of the Joint Committee.

4.0 Financial Implications

4.1 Provision is made within the budget for the services provided by the Host/Lead Authority.

5.0 Legal Implications

5.1 Set out in the report.

6.0 Risk Management

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

7.0 Background and Options

7.1 Regulations made under Part 6 of the Traffic Management Act 2004 Act provide that the functions relating to adjudication and adjudicators conferred on Local Authorities under section 81 of the 2004 Act and regulations made under the 2004 Act shall be discharged by them through a joint committee set up under sections 101(5), 102(1)(b) and 101 (5B) of the Local Government Act 1972, section 20 of the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, the Local Authorities (Executive Arrangements) (Discharge of Functions and Responsibilities) (Wales) Regulations 2007, sections 9EA and 9EB of the Local Government Act 2000, the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012, Local Authorities (Goods and Services) Act 1970, section 1 of the Localism Act 2011 and all other enabling powers.

7.2 In June 2013, the PATROL Adjudication Joint Committee approved changes to the Joint Committee's agreement including Schedule 6 (Terms of Appointment of the Lead Authority) dated 1 May 2008 which had been reviewed in the light of the appointment of a new Host/Lead Authority from 1 April 2013. The Joint Committee was asked to approve the new agreement subject to obtaining the written consent of 75% of the Participating Authorities. To date 227 councils have agreed to the new arrangements. The following wording has been circulated to address queries concerning the indemnity provisions:

- *“Since the previous version[s] were distributed, the Agreement[s] ha[s/ve] been updated to address the concerns raised by the Participating Authorities. The changes provide that:*
- *the joint committees take out available insurance on behalf of the Participating Authorities to meet any obligations under the indemnity to the Lead Authority (Cheshire East), in Clause 8 of Schedule 6. To the extent that insurance is not available in the market, the joint committees will indemnify the Lead Authority from a Reserve Fund. Only where the Reserve Fund does not contain sufficient funds would the Participating Authorities be obliged to indemnify the Lead Authority;*
- *the indemnity from the joint committee[s] to Cheshire East will not apply where Cheshire East has acted negligently, fraudulently or illegally; and*
- *the same indemnity still covers TUPE-transferred liabilities from any previous lead authority, but only if the liabilities relate to employee functions that are carried out under the Agreement(s).”*

7.3

- 7.4 Schedule 6 of the PATROL agreement makes reference to the development of a non-binding service level agreement (SLA) between the Joint Committee and the Lead Authority. The SLA sets out arrangements for establishing a scheme of delegation to the Head of Service. The SLA for 2014/15 is presented for approval (Appendix 1).
- 7.5 The Standing Orders of the Joint Committee are reviewed on an annual basis and are presented for approval (Appendix 2).
- 7.5 The Agreement includes the Memorandum of Understanding between the Joint Committee and the Adjudicators which was approved at the November 2012 meeting. This has been reviewed in the light of changes to the Welsh regulations and the forthcoming new jurisdiction of road user charging and is presented here for approval (Appendix 3).

8.0 Access to Information

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

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

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Appendix 1

DATED

PARKING AND TRAFFIC REGULATIONS OUTSIDE
LONDON ADJUDICATION JOINT COMMITTEE

and

CHESHIRE EAST COUNCIL

SERVICE LEVEL AGREEMENT

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



N A B A R R O

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SERVICE LEVEL AGREEMENT

DATE

PARTIES

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

RECITALS

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

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS

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

"Adjudicators"

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

"Advisory Board"

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

"BLASJC Standing Orders"

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

"PATROLAJC Standing Orders"

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

"Delegations"

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

"Financial Regulations"

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

"Head of Service"

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

"Liaison Officer"

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

"Memorandum of Understanding"

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

"PATROLAJC's Representative"

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

"SLA"

means this service level agreement.

2. TERM

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

3. REPRESENTATIVES

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

4. SERVICES

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

5. DELEGATION OF FUNCTIONS

- 5.1 The parties to this SLA shall work together, acting reasonably, to agree in writing the functions that shall be delegated by the Lead Authority to the Head of Service and the extent to which those functions shall be delegated (the "**Delegations**") before 1 October 2014.

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

6. COSTS

- 6.1 Pursuant to the PATROLAJC Agreement and the BLASJC Agreement and in consideration for the provision of services by the Lead Authority to the PATROLAJC and the BLASJC, the Lead Authority is entitled to reimbursement by the participating authorities of costs and expenses properly incurred by it in undertaking its role as Lead Authority.
- 6.2 The estimated cost of providing services pursuant to this SLA in the year from 1 April 2014 to 31 March 2015 is £52,750. A breakdown of such total estimated cost is set out in **Schedule 2**. The Lead Authority shall notify the PATROLAJC of the estimated cost of providing services pursuant to this SLA for subsequent years on or before 1 December in the preceding year.
- 6.3 The estimated cost of providing services pursuant to this SLA (as notified in accordance with **clause 6.2**) will be reviewed by the PATROLAJC's Representative and the Liaison Officer as follows:
- 6.3.1 every six months from 1 April 2014 to 31 March 2015; and
- 6.3.2 annually thereafter,
- and adjustments to the estimated cost will be agreed at those review meetings.
- 6.4 Costs payable pursuant to this **clause 7** shall be paid by the PATROLAJC (in respect of services provided to the PATROLAJC and to the BLASJC) to the Lead Authority within 30 days of receipt of an invoice from the Lead Authority to the PATROLAJC.
- 6.5 On or before 1 April in each year, the PATROLAJC and the Lead Authority will agree the frequency of submission of invoices and method of payment of costs for the coming year.
- 6.6 Payments of costs to the Lead Authority by the PATROLAJC is subject to audit of the services provided and costs incurred.

7. SERVICE REVIEWS AND SERVICE VARIATIONS

- 7.1 The PATROLAJC's Representative and the Liaison Officer (and such other representatives from the PATROLAJC, the BLASJC and the Lead Authority as they may invite) shall attend regular service review meetings at such frequency and times to be agreed between them to review the scope and nature of services provided pursuant to this SLA, the provision of service by the Lead Authority and working arrangements.

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

8. DISPUTES

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

9. VARIATIONS

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

10. ASSIGNMENT

Neither party shall assign or otherwise transfer its rights and obligations under this SLA without the written prior consent of the other party to this SLA.

11. TERMINATION

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

12. GOVERNING LAW

This SLA is governed by and shall be construed in accordance with the laws of England and Wales.

In witness whereof the parties have executed this agreement as a deed the day and year first before written.

Signed for and on behalf of the PATROLAJC

.....
(Signature)

.....
(Date)

Signed for and on behalf of the BLASJC

.....
(Signature)

.....
(Date)

Signed for and on behalf of Cheshire East Council:

.....
(Signature)

.....
(Date)

Schedule 1

Services

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

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

Schedule 2

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

[NOTE – Schedule of costs subject to Lead Authority response to email from Council on 9 January 2014]

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

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

being provided by a combination of the following Officers:	
<ul style="list-style-type: none"> • Head of Environmental Protection & Enhancement; • Highways Service Investment Manager; • Paul Barnes – Quantity Surveyor 	
TOTAL	£42,750.00

In addition, a retainer of £10,000 is to be included to cover support and advice provided by the following services. This support/advice is expected to be on an ad-hoc basis:

Support Service provided on ad-hoc basis:

Assets

Support to be provided to PATROL on an ad-hoc basis.

FOI

PATROL to handle requests and would only be seeking advice from CEC on an ad hoc basis. Resource requirements expected to be no more than a couple of phone calls and the reviewing of a response letters a month, if not bi-monthly.

Procurement

Advice to be provided to PATROL on an ad-hoc basis.

IT Support

No routine service support to be provided.
Technical support to be provided on an ad-hoc basis

Health & Safety Support

Support to be provided on an ad-hoc basis.

TOTAL CHARGE £52,750.00

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

Appendix 2

Schedule 4

Standing Orders

THE PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT

COMMITTEE'S STANDING ORDERS 2014/15

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1. Chair Vice-Chair and Assistant Vice- Chair

The PATROLAJC at its first meeting and subsequently on an annual basis shall elect from one of its representatives a Chair and Vice-Chair and Assistant Vice- Chair

2. Duration of Appointments

(i) Each representative on the PATROLAJC shall hold office from the date of the first meeting of the PATROLAJC following his appointment to the date of the next annual meeting of the PATROLAJC or until his appointment is terminated by the appointing Participating Authority which may be done at any time or until he ceases to be entitled to be a representative of that Participating Authority on a Joint Committee under the constitutional arrangements applicable to that appointing Participating Authority.

(ii) The Chair ,Vice-Chair and Assistant Vice- Chair shall hold office until the following Annual meeting but such office shall be deemed to be vacated if the appointment as a representative on the Joint Committee is terminated by their Participating Authority or if they cease to be entitled to be a representative on a Joint Committee under the constitutional arrangements applicable to that appointing Authority.

3. Servicing and Advice

(i) It shall be the responsibility of the Lead Officer to convene all meetings of the PATROLAJC;

(ii) An Advisory Board may be appointed by the PATROLAJC comprising the Lead Officer, such other officers of the Participating Authorities and other persons appointed by the PATROLAJC and a representative nominated by the Department for Transport (DFT) as set out in the MOU between the Joint Committee and the Secretary of State. The Advisory Board shall be entitled to

depute one or more of their number to attend and advise at meetings of the PATROLAJC.

4. Meetings and Agenda

- (i) A meeting of the PATROLAJC may be called at such date, time and place:
 - a) at the instance of the Chair; or
 - b) as may be determined by the PATROLAJC; or
 - c) by a requisition, signed by not less than one half of the representatives of the PATROLAJC delivered to the Lead Officer at least ten working days before the date of the meeting.
 - d) At the instance of the Lead Officer

Provided that the PATROLAJC shall meet at least once every year (the Annual Meeting).

The summons to any meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

- (ii) At every meeting of the PATROLAJC the Chair, if present, shall preside. If the Chair is absent the Vice-Chair, if present, shall preside. If both the Chair and Vice Chair are absent the Assistant Vice-Chair shall preside. If the Chair, Vice Chair and Assistant Vice-Chair are all absent the meeting shall elect a Chair from one of its representatives. For the purposes of these Standing Orders references to the Chair, in the context of the conduct of business at meetings, shall mean the person presiding under the Standing Orders.
- (iii) Any Participating Authority acting through its representative on the Joint Committee or through an Advisory Board Representative may give written notice of an item within the remit of PATROL to be placed on the Agenda of the PATROLAJC. All notices of items for agendas must be received by the Lead Officer not less than fifteen working days prior to the meeting to which the agenda relates.

- (iv) Each of the Participating Authorities and every Advisory Board representative shall be entitled to have access to a copy of the Agenda, papers and minutes of the proceedings of the PATROLAJC.
- (v) The Lead Officer shall not less than seven clear days before the intended meeting of the PATROLAJC: -
 - (a) Circulate a notice thereof to each Participating Authority representative on the PATROLAJC and to the nominated officer of each Participating Authority, accompanied by a notice of the business to be transacted. Provided that the failure of any such notice to be delivered shall not affect the validity of the meeting or of the business transacted thereat.
 - (b) Publish notice thereof in the London Gazette or such other daily national publication as may be specified by the Lead Officer. Provided always if not published in the London Gazette the Lead Officer shall give 14 days notice in writing to the Participating Authorities of the name of newspapers in which the notice of meetings is to be published.
- (vi) Deputations shall be entitled, upon prior notification being given to the Lead Officer and at the discretion of the Chair, to attend and address the meeting for not more than ten minutes and to answer questions from representatives on the PATROLAJC for a further ten minutes.
- (vii) A representative of the DFT may attend the meetings of the PATROLAJC and may participate fully on all items of business but not vote.

4a. Cancellation of Meetings

The Lead Officer may cancel or postpone any meeting in consultation with the Chair or Vice Chair or Assistant Vice Chair prior to the issue of the agenda or subsequently if there is no business to be transacted, or in other exceptional circumstances.

5. Substitute Members

If a representative of the PATROLAJC is unable to be present at a meeting of the PATROLAJC, that Participating Authority may be represented by a substitute duly appointed by that Participating Authority for the purpose in accordance with their own constitutional arrangements and whose name has been duly notified in writing to the Lead Officer of the PATROLAJC by the nominated Officer of the Participating Authority concerned at least 24 hours prior to the Committee meeting. A substitute attending a meeting of the PATROLAJC shall declare and vote as the Participating Authority representative on the PATROLAJC. No substitute representative may attend any meeting at which the representative for which he is substitute is present.

6. Attendance Record

At every meeting each representative attending shall record such presence on the attendance sheet or other form of record provided by the Lead Officer.

7. Order of Business

- (i) The order of business at every meeting shall be:
 - (a) to approve as a correct record the minutes of the last meeting;
 - (b) to dispose of business (if any) remaining from the last meeting;
 - (c) to receive and consider reports prepared for the PATROLAJC
- (ii) The Chair shall have discretion to alter the order in which business is taken at the meeting.

8. Minutes

- (i) Minutes of every meeting of the PATROLAJC or any Subcommittee shall be submitted to and signed at the next following meeting of the body concerned.
- (ii) The Chair shall put the question that the minutes submitted be approved as a correct record of the meeting in question.
- (iii) No other motion or discussion shall take place upon the Minutes except upon their accuracy. If no such question is raised or if it is raised, then as soon as it has been disposed of, the Chair shall sign the Minutes.

9. Sub-Committees

The PATROLAJC shall be entitled to appoint such Sub-committees as it thinks fit.

10. Voting

- (i) Each representative (or if absent the named substitute) shall be entitled to one vote on each question to be decided. Subject to paragraph 10 (iii), every question shall be determined by a show of hands and shall be determined by a simple majority.
- (ii) In the case of an equality of votes, the Chair shall have a second or casting vote.
- (iii) On the requisition of any representative, provided it is supported by at least two others, made before any vote is taken on a motion or an amendment, the voting shall be recorded so as to show how each representative present and voting voted. The name of any representative present and not voting shall also be recorded.

11. Quorum

- (i) The quorum of the PATROLAJC shall be one twentieth of the number of the Participating Authority representatives but in any event not less than three, and the quorum of a Sub-committee shall be one quarter of the number of members of the Sub-Committee but in any event not less than three.
- (ii) For the avoidance of doubt non-attendance of the representative appointed by the DFT shall not render the meeting inquorate nor shall he be counted in deciding whether a quorum has been established.
- (iii) No business can be transacted at any meeting unless a quorum is present. Any matters of urgency will be considered under Standing Order 16.

12. Rules of Debate

- (i) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (ii) A representative shall address the Chair and direct any speech to the question under discussion. If two or more representatives indicate they wish to speak the Chair shall call on one to speak first.
- (iii) An amendment shall be:
 - (a) to leave out words

(b) to leave out words and insert or add others

(c) to insert or add words

but any such amendment must not have the effect of introducing a new proposal into or of negating the original motion

(iv) A representative shall not speak for longer than 5 minutes on any matter without the consent of the PATROLAJC.

(v) No representative shall address the PATROLAJC more than once on any issue, but the mover of an original motion may reply, in which reply no new matter shall be introduced, but the reply shall be confined strictly to answering the previous observations.

(vi) A representative may claim to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified standing order and the way in which the representative raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by them in the current debate, which may appear to have been misunderstood. The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

(vii) If an amendment is rejected other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any other amendment may be moved.

(viii) A further amendment shall not be moved until the PATROLAJC has disposed of every amendment previously moved, provided that the Chair shall have discretion to allow debate to take place on two or more amendments.

(ix) A representative at the conclusion of a speech of another representative may move without comment:-

(a) that the question be now put

(b) that the debate be now adjourned

(c) that the PATROLAJC proceed to the next business

(d) that the PATROLAJC do now adjourn

If such a motion is seconded, the Chair, shall, subject to the mover's right to reply, put the motion to the vote, and if it is carried: –

In case (a) – the motion then before the meeting shall, subject to

The right of reply, be put to the vote; or

In case (b) – the debate on the motion then before the PATROLAJC shall stand deferred until the next meeting of the PATROLAJC unless requested to be dealt with as an urgent matter; or

In case (c) – the motion then before the PATROLAJC shall be regarded as lost and the PATROLAJC shall proceed to the next item on the Agenda, if any; or

In case (d) – the meeting shall stand adjourned.

(x) If the Chair is of the opinion that the matter before the PATROLAJC has been sufficiently discussed they may put the motion that the question now be put

(xi) The Chair shall decide all questions of order and any ruling by the Chair upon such questions and the interpretations of these Standing Orders, and upon matters arising in debate shall be final and shall not be open to discussion.

13. Admission of Public to Meetings

All meetings of the PATROLAJC shall be open to the public (including the Press) except to the extent that they are excluded whether during the whole or part of the proceedings either:-

(i) In accordance with Section 100A(2) of the Local Government Act 1972; or

(ii) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

Exempt information means information falling within the following categories (subject to any condition):

Category

Condition

Category	Condition
1. Information relating to any individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). "Financial or business affairs" includes contemplated, as well as past or current, activities	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Information within paragraph 3 is not exempt if it must be registered under
	<ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority. "Labour relations matter" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

14. Disorderly Conduct

- (i) If the Chair is of the opinion that a representative has misconducted, or is misconducting himself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the PATROLAJC they may notify the meeting of that opinion and may take any of the following action either separately or in sequence:-
 - (a) they may direct the representative to refrain from speaking during all, or part of the remainder of the meeting
 - (b) they may direct the representative to withdraw from all or part of the remainder of the meeting
 - (c) they may order the representative to be removed from the meeting
 - (d) they may adjourn the meeting for such period as shall seem expedient to him
- (ii) In the event of general disturbance which, in the opinion of the Chair, renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power invested in the Chair, may without question, adjourn the meeting for such periods as in the Chair's discretion shall be considered expedient.

15. Disturbance by Members of the Public

If any member of the public interrupts the proceedings at a meeting of the PATROLAJC, the Chair may warn that person to stop. If the person continues the interruption, the Chair may order that person's removal from the meeting. In the event of general disturbance in the part of the room provided for the public, the Chair may order that part to be cleared.

16. Urgent Business

- (i) If at any time the Lead Officer considers any matter is urgent and should be decided upon prior to the next meeting of the PATROLAJC then they shall consult the PATROLAJC's Chair. If the Chair or in the absence of the Chair, the Vice Chair or Assistant Vice Chair agrees the matter is urgent, then the

Lead Officer shall be empowered to make the decision in accordance with such recommendation, subject to the decision being recorded in writing and signed by the Lead Officer to the PATROLAJC.

- (ii) All decisions taken under this Standing Order shall be reported to the next meeting of the PATROLAJC.

17. Rescission of Preceding Resolution

No motion to rescind any resolution passed at the meeting and no motion or amendment to the same effect shall be proposed at that meeting.

18. Delegation of Functions

The PATROLAJC may delegate to officers such of their functions as are permissible under statute and may, in relation to any of those functions, require that the exercise of those functions be subject to such conditions as the PATROLAJC deems fit to impose.

19. Variations and Revocation of Standing Orders

Any motion to vary or revoke these Standing Orders shall require confirmation at the next ordinary meeting of the PATROLAJC before the proposed variation or revocation shall be considered to be effective Provided that nothing in this Standing Order shall operate to prevent the PATROLAJC adopting new Standing Orders at its annual meeting.

20. Interests of Participating Authority representatives in Contracts and Other Matters

If any Participating Authority adopts a Code of Conduct pursuant to the provisions of Part 1 – Local Government – Chapter 7 – Standards of the Localism Act 2011 then that Code shall apply with respect to the representative of that Participating Authority save in so far as it is incompatible with the following provisions which shall apply to all representatives irrespective of any other code of conduct that they may be subject to: -

- (i) Where any Participating Authority representative has given a general notice of a pecuniary interest of his or of his spouse, they shall nevertheless orally declare it at any meeting where the matter is discussed. Any such reminder shall be recorded in the minutes of the meeting.

- (ii) Where any Participating Authority representative has declared a pecuniary interest in a contract, grant, proposed contract or other matter by making an oral declaration at a meeting, they shall withdraw from the room in which the meeting is being held while the matter is under consideration unless:
 - (a) the disability to discuss, or vote upon any matter arising from the contract or other matter has been removed under Chapter 7 Section 33 of the Localism Act 2011; or
 - (b) the contract, grant, proposed contract or other matter is under consideration by the meeting as part of the report or minutes of a subcommittee (in the case of a meeting of the PATROLAJC) and is not itself the subject of debate.

Any person, other than an officer of the PATROLAJC, who is appointed to do anything in connection with the PATROLAJC or subcommittee which enables him to speak at meetings of the PATROLAJC or subcommittee shall make the same disclosures of pecuniary interests, and shall withdraw from the room in which the meeting is being held on the same occasions, as he would have to do if he were a representative of the PATROLAJC or subcommittee.

21. Interests of Officers in Contracts and Other Matters

- (i) In addition to their duty under Section 117 of the Local Government Act 1972 if it comes to the knowledge of any officer that they have a pecuniary interest either direct or indirect (not being a contract to which he is himself a party) in any contract which has been or is proposed to be, entered into by the PATROLAJC, or in some other matters which is to be considered by PATROLAJC or one of its subcommittee, they shall as soon as practicable, give notice in writing to the Lead Officer of the fact that they are interested therein.
- (ii) For the purpose of this standing order, a disclosable pecuniary interest is an interest that, if the officer were a representative of the PATROLAJC and if the contract or other matter were to be considered at a meeting of the

PATROLAJC at which he were present, he would have to disclose it under Chapter 7 Section 31 of the Localism Act 20111.

- (iii) The Lead Officer shall record in a book to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer under Section 117 of the Local Government Act 1972 or paragraph (i). The book shall, during the ordinary office hours of the Lead Authority be open for inspection by any representative of the PATROLAJC.
- (iv) Where an officer submits a report to a meeting on a matter in which they have declared an interest under Section 117 of the Local Government Act 1972 or paragraph (i) they shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- (v) Where any officer advises orally a meeting of the PATROLAJC or a subcommittee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of Section 117 of the Local Government Act 1972, or of paragraph (i) they shall remind the meeting orally of that interest.

22. Access to Documents, Information and Land

- (i) In addition to the rights of representatives of the PATROLAJC under Section 100F of the Local Government Act 1972, but subject to paragraph (ii) below, any member of the Participating Authorities shall be entitled on application to the Lead Officer to inspect any document or recorded information in the possession, or under the control, of the PATROLAJC access to which is necessary for the proper discharge of their functions as a member of that Participating Authority;

Provided that: -

- (a) no person shall be entitled to inspect any document or have access to any information relating to a matter in which they have a pecuniary interest;
- (b) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during

such period as the giving of access would unreasonably disrupt the work of the PATROLAJC.

- (ii) In the case of any document other than a document to which the rights under Section 100F of the Local Government Act 1972 apply, and if the Lead Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Participating Authority or as a representative of the PATROLAJC, as the case may be) of the person requesting such access, and there is good reason why access should be refused, they may refuse the person concerned access to the document or information in question.
- (iii) Where a person inspects a document under the rights conferred by Section 100F of the Local Government Act 1972 or this standing order, and the PATROLAJC may lawfully make a copy of that document, they shall be entitled, on request, to be given a copy of that document provided that:
 - (a) a reasonable charge shall be made for the copy unless the Lead Officer otherwise directs;
 - (b) a copy may be refused if the Lead Officer considers that it is impracticable to make a copy.
- (iv) If a representative on the PATROLAJC or an elected member or officer of the Participating Authorities wishes to have access to land or buildings in the occupation of the PATROLAJC to which the public do not have access and to which such representative, member or officer does not regularly have access, he shall apply to the Lead Officer. Unless the Lead Officer considers that there are good reasons why such access should not be given, they shall give permission but may attach conditions to that permission including particularly a condition that a specified officer of the PATROLAJC shall accompany the representative, member or officer.
- (v) If any member of the Participating Authorities or any other representative of the PATROLAJC is dissatisfied with any determination of the Lead Officer under Section 100F of the Local Government Act 1972 or under this standing

order, he may refer the question to the PATROLAJC which shall, after considering any representations that person or the Lead Officer may wish to make, determine whether or not to uphold the Lead Officer's determination.

- (vi) No elected members or officer of the Participating Authorities and no representative of the PATROLAJC shall have any claim by virtue of his position:
 - (a) to enter any land or buildings occupied by the PATROLAJC to which the public do not have access or to which such members, officer or representative do not regularly have access except with the permission of the Lead Officer;
 - (b) to exercise any power of the PATROLAJC to enter or inspect other land or buildings, except where specifically authorised to do so by the PATROLAJC ;
 - (c) to exercise any other power of the PATROLAJC;
 - (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the PATROLAJC, or with respect to any goods or services which are being, or might be, purchased by the PATROLAJC
- (vii) The Proper Officer for the Purpose of Section 100F(2) of the Local Government Act 1972 and for the purposes of this standing order is the Lead Officer.
- (viii) For the purposes of this standing order a person has a pecuniary interest in a matter if, on the assumptions that he were a representative on the PATROLAJC, and that the matter were to be considered by the PATROLAJC, he would have to declare the interest under Section 94 of the Local Government Act 1972.
- (ix) Where any information is given to any person (including a member of the Participating Authorities, or any representative of the PATROLAJC) by the PATROLAJC or by one of the employees of the Lead Authority in the course of transacting any business of the PATROLAJC, and it is made clear (in

whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the PATROLAJC.

23. Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended at any meeting so far as regards any business on the Agenda for such a meeting, providing that the majority of the representatives present and voting so decide.

24. Interpretation and Definitions

In these Standing Orders the following terms shall have the following meanings assigned to them:-

“Local Authority” means a local authority which is an enforcement authority for the purpose of Part 6 of the Traffic Management Act 2004 in relation to road traffic contraventions (of any description) or performing the functions of such an enforcement authority.

“The Agreement” means an agreement for Parking and Traffic Regulations Outside London Adjudication Joint Committee made between The Council of the City of Manchester, Hampshire County Council, Oxfordshire County Council and Denbighshire County Council

“Participating Authority” means any Local Authority then party to the joint arrangements contained in the Agreement

“Lead Authority” means such Participating Authority appointed as such pursuant to the Agreement

“Lead Officer” means the Chief Executive of the Council of Cheshire East Council or such other officer of the Lead Authority nominated by them

“The Advisory Board” means the Board comprising the Lead Officer and other officers and other persons appointed by the PATROLAJC and may include sitting in an ex-officio capacity an official nominated by the PATROLAJC and may include sitting in an ex-officio capacity an official nominated by the DFT.

MEMORANDUM OF UNDERSTANDING

Between

Adjudicators of the Traffic Penalty Tribunal

And

**The PATROL ADJUDICATION JOINT COMMITTEE and
THE BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

November 2012

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MEMORANDUM OF UNDERSTANDING

1. Introduction

This Memorandum of Understanding (MOU) is between:

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

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

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

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

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

2. Shared Aims

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

3 Overriding Principles

3.1 The overriding principle of this memorandum is that the adjudicators are independent judicial office holders exercising a judicial function.

3.2 The adjudicators are not employees of the Joint Committees. Together they constitute the independent and impartial tribunal for the determination of appeals made to them, as required by Article 6 of the

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European Convention on Human Rights. The adjudicators and their administrative staff are, for convenience, described collectively as the Traffic Penalty Tribunal.

- 3.3 Neither the Chief Adjudicator (see paragraph 5 below) nor any other adjudicator is answerable to the Joint Committees in any way as regards the performance of their judicial functions.
- 3.4 The Joint Committees has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an independent tribunal.

4. The Statutory Framework

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

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

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

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

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

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

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

- 4.4 **The functions of PATROL and BLASJC are:**

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

- a) With consent of the Lord Chancellor, appoint and reappoint adjudicators
 - b) Remove adjudicators from office with the agreement of the Lord Chancellor and Lord Chief Justice
 - c) Determine the place at which adjudicators are to sit
- The Joint Committees have formally delegated the above functions to the Chief Adjudicator (see Section 5 below).

The Joint Committees' functions also include:

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

- 4.5 The Regulations also provide that:

- In accordance with such requirements as may be imposed by the Joint Committee, each adjudicator shall make an annual report to the Joint Committees on the discharge of his/her function. The

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Joint Committees have agreed that this requirement will be fulfilled by the Chief Adjudicator.

- The Joint Committees shall make and publish annual reports in writing to the Secretary of State or Welsh Ministers as appropriate on the discharge of the adjudicators and their functions.

5. Chief Adjudicator

5.1 In order to create and preserve the actual and transparent independence of the adjudicators, the Joint Committees shall designate one of the adjudicators to take the role of Chief Adjudicator, thus acting as the judicial head of the tribunal. Like all adjudicators, the Chief Adjudicator enjoys judicial independence.

5.2 There is no statutory provision for a President or Chief Adjudicator. Nevertheless, the Joint Committees and the adjudicators have agreed:

- a) There is a need for a de-facto Chief Adjudicator
- b) The Joint Committees shall designate one of the adjudicators to be the Chief Adjudicator
- c) The role and responsibilities of the Chief Adjudicator are set out at Appendix A and shall include all aspects of judicial leadership and management including the following functions that the Joint Committee have delegated to the Chief Adjudicator:

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- i) With the consent of the Lord Chancellor, the making of and reappointment of the part-time Adjudicator appointments, for a period not exceeding 5 years. Such appointments to be sufficient to meet the needs of the service, as appropriate.
- ii) The determination of the terms and conditions applying to Adjudicators having regard to principles established for such judicial appointments and conduct by the Lord Chief Justice and Lord Chancellor.
- iii) The determination of where Adjudicators shall sit.

It is also for the Chief Adjudicator:

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

6. Salaried Adjudicators

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

7. Judicial Leadership, Management and Discipline Functions

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

8. Removal of Adjudicators

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

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

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9. Appeals and Judicial Matters

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

9.2 Judicial matters are entirely the responsibility of the Chief Adjudicator to determine.

These include:

- a) Monitoring and appraisal of adjudicators' competencies
- b) Adjudicator Training
- c) Dealing with judicial complaints and discipline
- d) Allocation of cases

9.3 The following are also matters for the Chief Adjudicator to determine:

- a) Administrative procedures
- b) Training requirements for Adjudicators
- c) Communications strategy

9.4 The Joint Committees would expect to be consulted to the extent that 9.2 have budgetary implications.

9.5 The Chief Adjudicator may delegate functions for the expeditious operation of the tribunal.

10. Lead Officer

10.1 The PATROLAJC and BLASJC Agreements make provision for the appointment of a Lead Officer to whom functions are delegated pursuant to that Deed of Arrangement and the Standing Orders of the Joint Committees.

10.2 In view of the nature of the relationship between the Adjudicators, Joint Committees and the Lead Authority, the expectation is that the Joint Committees will request the Chief Executive of the Lead Authority to nominate the Head of Service as Lead Officer who amongst the functions delegated to the role will be expected to:

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- (a) Be responsible for the administration of the Joint Committees and the Traffic Penalty Tribunal and provide for the Adjudicators on behalf of the Joint Committees, the accommodation, administrative staff and facilities. The Lead Officer has no remit to influence the decisions of the Adjudicators.
- (b) Be responsible for ensuring that the Adjudicators requirements as set out in the Memorandum of Understanding with the Joint Committees are met within the Financial Regulations of the Joint Committee.
- (c) Work in partnership with the Chief Adjudicator to ensure the vision, aims and objectives of the tribunal are achieved
- (d) Provide strong and strategic leadership to manage the support function for the Adjudicators to deliver an efficient service that ensures all appeals are held within legal requirements and performance criteria.
- (e) Manage the Service Level Agreement with the Lead Authority on behalf of the Joint Committees.

11. Accommodation, administrative staff and facilities

- 11.1 The Joint Committees have a statutory duty to provide accommodation, administrative staff and facilities for the Adjudicators sufficient to enable them to perform their functions in accordance with their duty as set out in Section 4 above.
- 11.2 The nature of administrative support (including staff, facilities and accommodation) are for agreement between the Adjudicators and the Joint Committees, having regard to the Joint Committees' duty to the Adjudicators set out in Section 4 above
- 11.3 The accommodation and administrative staff provided for the Adjudicators by the Joint Committees in accordance with their statutory duties are, for convenience, along with the body of the Adjudicators whom they support, described collectively as the Traffic Penalty Tribunal. The Traffic Penalty Tribunal is not a legal entity.
- 11.4 The Joint Committees are responsible for the management of the accommodation and facilities including health and safety procedures for all users of the accommodation.

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- 11.5 In accordance with the regulations made under the TMA and the TA, the Joint Committees are **each** required to appoint one member of staff to fulfill the duties of the "Proper Officer" for the purposes of those regulations. It is anticipated that the Joint Committees will consult with the Chief Adjudicator on the appointment of the Proper Officer.
- 11.6 The function of the staff, including the Proper Officer, is to support the Adjudicators in the performance of their function and to carry out such administrative tasks as the Adjudicators require in that connection. They act under the direction of the Adjudicators.
- 11.7 The Lead Authority will provide contracts of employment for the staff provided by the Joint Committees to ensure their employment rights and obligations.
- 11.8 For the purposes of employment rights and obligations, whilst employment policies may stem from the Lead Authority, it must be recognised that when staff are performing duties stemming from the procedural regulations that govern the Tribunal or under the delegation of Adjudicators, the latter takes precedence.
- 11.9 The independence of the Tribunal requires that staff are engaged solely on the work of the Tribunal.
- 11.10 The Joint Committees will ensure that staff provided for the Adjudicators carry out their functions effectively and efficiently and are responsible for their:
- a) Recruitment
 - b) Training
 - c) Line Management
 - d) Appraisal
 - e) Disciplinary procedures, including considering complaints, grievances etc.

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

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

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

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

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12.0 Defraying the expenses of the Tribunal

12.1 The Joint Committees are responsible for defraying the expenses incurred in the Adjudicators performing their functions.

12.2 Consequent upon the duty specified in paragraph 12.1, the Joint Committees are responsible for:

- a) approving the budget for the tribunal and determining the contribution for member authorities.
- b) financial control, management and monitoring

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

13. Advisory Board

13.1 The Joint Committees' Standing Orders provide for the Joint Committees to establish and appoint an Advisory Board comprising such officers and persons appointed by the Joint Committees to advise them on their functions .

13.2 The purpose of the Advisory Board is to assist and advise the Joint Committees on the overall policies and strategies for administering the adjudication service and on their responsibilities under the **TMA, the English General Regulations, the Welsh General Provisions Regulations, the Bus Lane Regulations and the Road User Charging Regulations.**

13.3 The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.

13.4 The diversity of membership of the Advisory Board including judicial expertise and consumer representation strengthens the scrutiny function it performs which is of mutual benefit to the Adjudicators, the Joint Committees and Lead Authority.

14.0 Lead/Host Authority

14.1 **The Joint Committees are not made body corporate by statute however the Joint Committees are entities recognized in law as ones distinct from their members. The Joint Committees themselves may enter into contracts and also commissions services as required from time to time from one of its member councils referred to as the Host or Lead Authority.**

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- 14.2 The expectation is that the relationship between the Lead Authority and both the Joint Committees and the tribunal will replicate that of an arm's length body, with the Lead Authority providing services and advice as required.
- 14.3 The services provided by the Lead Authority, enabling the Joint Committees to provide the resources to the Adjudicators as identified in this Memorandum of Understanding, will be supported by a Service Level Agreement with the Joint Committees.
- 14.4 The period of tenure for the Lead Authority is five years.

15. Review Mechanism

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

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APPENDIX A

CHIEF ADJUDICATOR ROLE

Introduction

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

1. Arrange the recruitment of an appropriate number of Adjudicators
2. Advise the Joint Committees on the removal of Adjudicators where necessary
3. Advise the Joint Committees on the reappointment of Adjudicators
4. Arrange appropriate induction and continuing training for Adjudicators, supplemented by appropriate guidance materials
5. Ensure the independence of Adjudicators
6. Monitoring, mentoring and appraisal of Adjudicators
7. Represent the Adjudicators in dealing with others, including:
 - i) The Joint Committees
 - ii) Government
 - iii) The press
8. Ensure proper rules of procedure and practices and promote consistency in their application.
9. Establish appropriate delegation in respect of the Chief Adjudicator and Adjudicator functions for the expeditious operation of the tribunal.
10. Ensure that administrative provision for Adjudicators is adequate and appropriate.
11. Deal with complaints against Adjudicators in accordance with the Adjudicators' Judicial Complaints Protocol, and other disciplinary matters
12. Provide guidance and support to individual Adjudicators
13. Deal with representation of Adjudicators in the event of a judicial review of their decision or other legal proceedings arising from the performance of their function.

Appendix 3

PATROL ADJUDICATION JOINT COMMITTEE

21 November 2012
Item 10 Appendix 1

14. Allocation of cases
15. On behalf of the Adjudicators, and in fulfillment of their obligation to the Joint Committees to report annually, author and present an annual report to the Joint Committees on the discharge by the Adjudicators of their functions with a view to its subsequent publication to the Secretary of State.
16. Keep the Joint Committees informed of all legal matters affective implementation and maintenance of the adjudication system.

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PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 25th June 2014
Report of: The Head of Service on behalf of the Advisory Board
Subject/Title: Establishment of Executive Sub-Committee

1.0 Report Summary

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

2.0 Recommendation

- 2.1 That the Joint Committee establishes an Executive Sub-Committee to act on behalf of the Committee until the annual meeting in June 2015, in accordance with paragraph 2 and the Appendix to this report, and that it appoints members of the Executive Sub-Committee for the forthcoming year.

3.0 Reasons for Recommendations

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

4.0 Financial Implications

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

5.0 Legal Implications

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

6.0 Risk Management

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

7.0 Background and Options

- 7.1 Members are aware that as each Council becomes a party to the PATROL Adjudication Agreement it is required to appoint a Member to represent their Council on the Joint Committee.
- 7.2 As the number of Councils joining the Joint Committee increases, one way of avoiding the need for large numbers of members attending all the committee

meetings is to establish an Executive Sub-Committee. PATROLAJC Standing Order 9 enables the Joint Committee to appoint such Sub-Committees as it thinks fit.

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

8.0 Access to Information

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

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

APPENDIX 1

Terms of Reference for the Executive Sub-Committee

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

1. Financial Matters.

- (a) Deciding on the level and proportion PATROLAJC member Councils shall contribute to the costs and expenses of the adjudication service.
- (b) Establishing and adopting not later than 31st January in each year a budget of estimated expenditure for the ensuing year commencing 1st April and approving accounts for the previous financial year by 30th June each year.
- (c) Accepting tenders for the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract.
- (d) Accepting the tender of a sub-contractor or supplier for specialist work or material in excess of £100,000 for which a prime cost sum is included in the main contract sum for services, building and civil engineering works.
- (e) All financial matters not delegated to officers under the requirements of the Accounts and Audit Regulations and where full Joint Committee approval is not specifically required.
- (f) Reviewing the Joint Committee's Reserves Policy Statement and Risk Register.

2. Human Resources.

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

3. Advisory Board.

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

4. New Council members to the PATROLAJC Agreement.

Noting new council members.

5. Adhoc delegations

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

PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 25th June 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Appointments to the Advisory Board

1.0 Report Summary

- 1.1 This report sets of the terms of reference for the Advisory Board and recommendations for appointments for 2014/15

2.0 Recommendation

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

3.0 Reasons for Recommendations

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

4.0 Financial Implications

- 4.1 The budget makes provision for the Advisory Board

4.1 Legal Implications

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

5.0 Risk Management

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

6.0 Background and Options

- 6.1 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.
- 6.2 The attached Terms of Reference enable an effective and efficient arrangement for matters relating to the PATROLAJC and the Bus Lane Adjudication Service Joint Committee BLASJC

- 6.3 At the meeting held on 25 June 2013 the Joint Committee made appointments for the period ending at the next annual meeting, these are detailed in the attached document.
- 6.4 At the meeting held on 29th October 2013, the Joint Committee determined to appoint a representative from the Department for Transport in respect of road user charging enforcement..
- 6.5 The Joint Committee is invited to adopt the terms of reference and make the appointments recommended in the appendix to this report.

7.0 Access to Information

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

Name: Louise Hutchinson
Designation: Head of Service
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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 the Traffic Management Act 2004, Bus Lane Contraventions, (Penalty Charges, Adjudication and Enforcement)(England) Regulations 2005, The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) (Amendment) Regulations 2014
2. The Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.
3. To receive and monitor progress against the Performance Management Strategy produced by the Head of Service and to review the service structure, organisation and administration and to scrutinise recommendations for changes before they are put before the Joint Committees.
4. To monitor and review the service capital and revenue budgets and to scrutinise recommendations for changes before they are put before the Joint Committees.
5. To assist and advise the Head of Service on the preparation of an annual service plan
6. The Board shall consist of always the Lead Officer plus up to eleven people:
 - α 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.
 - α A representative from the Department for Transport (road user charging).
 - α A representative from the Department for Transport (non-road user charging)
 - α A representative from the Welsh Government (WG).

- α A representative from a motoring association.
- α An independent person with knowledge of judicial or tribunal systems.

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

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

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

The DfT will 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.

Appointments and four year cycle

Local Authority Members

At the meeting of the PATROL Adjudication Joint Committee held on **June 2012** the following local authority members were appointed and retire as set out below.

June 2014

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

June 2015

Cheshire East Council Vacancy	Kevin Melling	Lead Authority English District
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June 2016

Carmarthenshire Council	Stephen Pillner	Welsh Authority
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Nottingham City Council

Caroline Nash

Metropolitan Authority

June 2017

Cornwall Council

Andy Beckett

English Unitary

Welsh Government Member

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

Department for Transport Member

This is a matter for the DfT to decide from time to time. Mark Fletcher is their representative in respect of road user charging and Robert Ringsell is their representative for general traffic management purposes..

Independent Member

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

Motoring Organisation Member

The Advisory Board considers it appropriate that from time to time this appointment should be rotated between the RAC Foundation and the AA Motoring Trust. Currently, Paul Watters of the AA Motoring Trust is the motoring organisation representative.

Bus Lane Member

The Bus Lane Joint Committee has appointed Kathryn Eldridge from Bath and North East Somerset as the Bus Lane Member for a four year period ending 2014.

Recommendations

- 1. Mark Samways be re-appointed for a four year period**
- 2. Kathryn Eldridge be re-appointed for a four year period**

PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 25th June 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Risk Management Strategy, Risk Register and Business Continuity Management Policy

1.0 Report Summary

- 1.1 This report seeks approval for the Risk Management Strategy and Business Continuity Management Policy and requests that the Joint Committee reviews the updated risk register.

2.0 Recommendation

2.1 That the Joint Committee:

- (i) Approves the Risk Management Strategy (Appendix 1)
- (ii) Notes the updated Risk Register (Appendix 2)
- (iii) Approves the Business Continuity Management Policy (Appendix 3)

3.0 Reasons for Recommendations

- 3.1 Management of risk and business continuity

4.0 Financial Implications

- 4.1 Budget or reserve provision in place

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

- 6.1 Report forms part of risk management.

7.0 Background and Options

- 7.1 As part of the Joint Committee's oversight of risk management and business continuity, the Joint Committee is required to review the Risk Management Strategy

and Business Continuity Management Policy on an annual basis and review the updated risk register at each meeting.

8.0 Access to Information

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

Name: Louise Hutchinson
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**APPENDIX 1
PATROL ADJUDICATION JOINT COMMITTEE
RISK MANAGEMENT STRATEGY
DRAFT JUNE 2014**

1. PURPOSE

The Joint Committee recognises that effective risk management is an important element of a robust corporate governance framework and is therefore committed to:

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

2. OBJECTIVES

The objectives of this strategy are to:

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

3. IMPLEMENTATION

The Joint Committee will achieve these objectives by:

- Approving this strategy
- The Head of Service establishing and maintaining the risk management review framework identified within this strategy.
- Including risk management as a standing agenda item at each Joint Committee/Executive Sub Committee and Advisory Board meeting supported by reports from Officers.
- Continuing to demonstrate the application of risk management principles in practice.

- Establishing the training requirements of Members and Officers
- Maintaining documented procedures for the control of risk.
- Monitoring risk management arrangements on an ongoing basis and periodically reviewing risk.
- Embedding risk management into business processes.

4. DEFINITIONS AND CATEGORIES

a. DEFINITIONS

RISK is a combination of the LIKELIHOOD of something happening and the CONSEQUENCE for business objectives.

RISK MANAGEMENT is the process by which risks and potential opportunities are identified, evaluated and controlled.

b. CATEGORIES OF RISK

The Audit Commission and CIPFA identify two categories of risk namely strategic and operational. Strategic are those risks to the medium and long term goals and objectives of the organisation. Operational are those risks and hazards encountered in the daily course of work affecting managers and staff.

c. RISK APPETITE

In defining the risk appetite, consideration should be given to:

- The level of risk which an organisation or individual is prepared to tolerate without introducing further risk mitigation measures or controls.
- Identifying the point where the Joint Committee accepts that a risk exists and that to put in place further measures aimed at reducing the risk to a more acceptable level is not possible, practical or not cost effective.
- The wider context of risk and tolerance levels of other parties who may be affected by the risk, including members of the public and other stakeholders.

The Joint Committee summarises its risk appetite as follows:

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

Individual papers to the Joint Committee will routinely report on risk.

5. RISK MANAGEMENT PROCESS

Key questions in risk management include:

- What can go wrong?
- What is the likelihood of it going wrong?
- What is the impact should it go wrong?
- What can be done to eliminate the threat?
- What should be done to reduce the threat's likelihood or impact?

The risk management cycle involves

- a) Identifying Risk
- b) Analysing and Evaluating
- c) Prioritising
- d) Taking Action
- e) Monitoring and Review

6. MEASUREMENT OF RISK AND REPORTING

Risk Matrix

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

Legend:

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

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

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

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

Risk Impact Details

Name	Description
Immaterial	Loss of up to £10k; examples include little effect on service delivery; no health and safety impact; no damage to reputation.
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.
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.
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.
Major	Loss of £500k +; examples include effective service delivery is no longer achievable, fatality of staff, visitor or public; reputation damage is irrecoverable i.e. regulatory body intervention.

Likelihood

Description	Probability	Indicators
5. Highly Probable	> 80%	<ul style="list-style-type: none"> Is expected to occur in most circumstances Circumstances frequently encountered – daily/weekly/monthly/annually Imminent/near miss
4. Probable/Likely	60% - 80%	<ul style="list-style-type: none"> Will probably occur in many circumstances Circumstances occasionally encountered but not a persistent issue (e.g. once every couple/few years) Has happened in the past or elsewhere
3. Possible	40% - 60%	<ul style="list-style-type: none"> Not expected to happen, but is possible (once in 3 or more years) Not known in this activity
2. Unlikely	20% - 40%	<ul style="list-style-type: none"> May occur only in exceptional circumstances Has rarely / never happened before Force majeure
1. Remote	< 20%	<ul style="list-style-type: none"> The risk will not emerge in any foreseeable circumstance

- 5.4 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.
- 5.5 The risk register will be monitored and reviewed by a Risk Management Group and reported to Members and the Advisory Board. New risks will be added to the register where appropriate and assigned an individual risk owner. An updated risk register will be provided as a standard report to the Joint Committee.

RISK MANAGEMENT ROLES AND RESPONSIBILITIES

6.1 The Joint Committee

The roles and responsibilities of the Joint Committee are:

- to ensure that a comprehensive approach to risk management is developed and implemented
- to oversee and obtain assurance over the effective management of the risks by the Head of Service.

6.2 The Head of Service

- To support and develop the risk management culture of the Risk Management Group which helps support the Joint Committee's strategic leadership and corporate governance roles.
- To develop and maintain a risk management framework.
- To maintain effective links with stakeholders on risk management issues and to report as appropriate to the Joint Committee or Executive Sub Committee and the Advisory Board.

6.3 Risk Management Group

The risk management framework established by the Head of Service allocates the following responsibilities to the Risk Management Group:

- Initial identification and evaluation of risks.
- Registration of risks.

- Evaluation of effectiveness of controls.
- Action planning to mitigate the impact of risks on the achievement of the Joint Committee's objectives.
- Reporting to Joint Committee and/or Executive Sub Committee and Advisory Board.
- Preparing changes to this policy.
- Providing guidance and training for staff on risk awareness.

7. MONITORING AND REVIEW

The Joint Committee will monitor the effectiveness of this policy and will receive a copy of the latest risk register and a report from the Head of Service at each Joint Committee meeting.

8. APPROVALS

Approved Joint Committee Executive Sub Committee June 2011

Approved Joint Committee June 2012

Approved Joint Committee June 2013

DRAFT BUSINESS CONTINUITY MANAGEMENT POLICY

1. PURPOSE

The purpose of this policy is to formalise the Business Continuity program and to provide guidelines for developing, maintaining and exercising Business Continuity Plans (BCPs). This policy establishes the basic principles and framework necessary to ensure emergency response, resumption and recovery, restoration and permanent recovery of operations and business activities during a business interruption event.

2. SCOPE

This policy applies to staff, facilities and IT systems and preparation for scenarios including, but not limited to, natural disaster, power outage, hardware/telecommunications failures, data corruption and terrorism. These events may be local in nature, or could have regional impact, with multiple facilities in a geographic region becoming inaccessible. This policy provides guidance for the resumption and recovery of time sensitive business operations in accordance with pre-established timeframes as well as ensuring that adequate plans are in place for the less time sensitive business operations.

3. POLICY

The Joint Committee recognises the potential strategic, operational, financial, reputational and stakeholder risks associated with service interruptions and the importance of maintaining viable capability to continue business processes with minimum impact in the event of an emergency.

DEFINITIONS

- **BCG** – Business Continuity Group
- **BCP** – Business Continuity Plan
- **BIA** – Business Impact Analysis

4. PROCEDURES:

Statement of Policy

Business continuity policy and planning are fundamental to reduce the impact of business interruption and should be read in conjunction with the Joint Committee's Risk Management Statement.

The Joint Committee recognises the importance of developing, exercising and testing and maintaining plans for the resumption and recovery of business functions and processing resources. The resumption and recovery plans must be based on a risk assessment that considers potential losses due to unavailability of service versus the cost of resumption. These plans shall anticipate a variety of probable scenarios at local, regional and national level.

Responsibilities

Joint Committee and Advisory Board: Responsible for ensuring that Business Continuity Management policy and procedures are in place and reviewed by Officers on a regular basis.

Head of Service: Responsible for the documented development, maintenance and review of the Business Continuity Management policy and procedures and identifying key staff to have specific responsibility for business continuity in terms of premises, Adjudicators, staff, tribunal services, IT and finance. These Officers will comprise the Business Continuity Group.

Business Impact Analysis (BIA) and Risk Assessment

The BCG shall undertake a BIA on an annual basis to identify and prioritise the critical business processes and costs of downtime. The BIA shall cover the major business processes that cut across the multiple sections or teams. It shall identify the business process availability, recovery time objectives and associated risks if these processes were not available.

The Business Continuity Plan

The BCG shall develop the BCP to recover from an incident and provide, at the very minimum, the ability to recover critical processes in line with the findings of the BIA. The recovery plans for an incident shall be developed by the BCG. The BCG shall have oversight as to the creation of plans to provide leadership and guidance, and ensure appropriate consistency and coordination among the various business dependencies, as well as compliance/consistency with standards.

During an incident, the Head of Service and Officers identified in the Business Continuity Plan *shall* activate the Business Continuity Plan. The BCG shall work with the affected sections/teams to ensure smooth execution of the BCP. Where relocation is required, consideration will be given to alternative ways of working to ensure a swift resumption of services.

The Business Continuity Plan will be reviewed every six months and updated as changes occur. All incidents will be documented and records maintained.

Develop Resumption and Recovery Plans for People Assets

Adjudicators and staff shall be provided with communication approaches and tools to ensure communication among themselves and with the staff for emergency response and business continuity.

The BCG shall implement and maintain a basic communication plan for all sections/teams for emergency response and business continuity. Confidentiality of staff personal contact information for this purpose shall be managed in compliance with the Information Security and HR policies and practices.

Business continuity plans shall identify the designated primary staff member (from the business operation) and an alternate who can perform functional responsibilities in the absence of the primary staff member.

The BCG shall work to develop clear guidance on how the staff shall report their time during crisis. These staff may be directed to suspend their regular duties until the operations are restored at a permanent site or some alternate direction is provided.

Develop Resumption and Recovery Plans for Facilities and Office Space

In order to successfully resume critical business operations during an incident/crisis, the BCG must identify a safe, easily accessible and fully operational location with adequate resources (IT and others) for staff to report to and initiate operations from during the period of crisis. Any decisions regarding alternative facilities must provide adequate office space and alternate communication links.

Develop IT Systems Resumption and Recovery Plans

The BCP shall develop a coordinated strategy involving plans, policies, procedures, and technical measures that enable the recovery of IT systems, operations, and data that is identified as critical. The BCG shall also work with other companies that are responsible for development and maintenance of the technology and information that support critical business processes. The network architecture and telecommunications shall help ensure there is the ability to withstand local/regional crisis/national crisis.

BC policy and planning shall be integrated in IT policy, budget and implementation decisions. IT budget guidelines shall take into account good practices concerning business continuity planning and preparedness.

For new application development, BC planning should be integrated in all phases of the IT project life cycle, starting from Business Requirements, System Architecture, Design, Construction, Testing, Implementation, Maintenance and Retirement.

Testing

In order to validate the Business Continuity Plan and ensure strategies are capable of providing response and recovery results within agreed timeframes, planned testing will be conducted training provided to all staff on an annual basis and or as needs arise. The IT core system will be disaster recovery tested at an off-site location annually. Test results shall be shared with the Advisory Board.

Communications

The BCP shall include mandatory instructions, advice, process, procedure or guidance concerning internal and external communications.

External communication during an incident/crisis is a critical business process. The BCG shall develop the process and messages that will be communicated to staff and stakeholders in the event of an incident or business interruption.

Training

Business Continuity training for the BCG (and other relevant staff) is essential for effective resumption and recovery of operations. BCG staff shall be supported with training to keep current in the business continuity best practice, latest technologies, tools, international standards and regulations that guide the development of BC plans. Training must include details regarding business resumption and recovery roles in coordination with the BCG.

BCP Maintenance and Management Reporting

The BCPs shall be updated on a bi-annual basis, or as often as changes require, using agreed templates. Most importantly all major updates should be incorporated as soon as possible and not held to satisfy a pre-arranged schedule.

The BCG shall consider the use of automated tools to support business continuity planning. Reporting business continuity planning status and progress is a key element of creating an effective BC program. The BCG shall report the status and progress of the BC program to the Advisory Board on an annual basis or after every BC test.

5. POLICY COMPLIANCE

Consistent compliance with this policy is essential to its effectiveness and therefore adherence to this policy is expected. The BCG will assess the preparedness of all the sections/teams. The assessment will include the quantification and qualification of exposures including, but not limited to, the resumption of time-sensitive operations and the recovery of other operations.

Internal Audit, as part of its work program, will review the business continuity plans periodically to ensure, as appropriate, alignment of the overall Business Continuity Program with Standards such as BS25999.

Policy Agreed: 25 June 2013
Planned Review Date: June 2014
Actual Review Date: 25 June 2014

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Appendix 2

RISK REGISTER MAY 2014

Rank	Risk Description	Consequence Description	Risk Impact	Likelihood	Score	Key Controls In Place	Assurances	Response	Previously Reported Status	Current Status	Further Actions to be taken to Manage Risk Better	Lead
1.	Unforeseen significant fluctuations in income and assurance on service charge income	Inability to meet financial obligations	5	2	10	Audit figures on which to base forecasts. Historical data on which to base forecasts. Reserve policy in place	Internal & External Audit Reports Committee Reports	Treat			Continued forecasting, budget monitoring and cashflow analysis.	HOS
2.	Inability of IT to support needs of organisation and technology users	Reduced effectiveness and efficiency for tribunal, councils and appellants.	3	3	9	Separation of domain has resulted in greater stability.	Performance Reports Upgrade from Windows XP to Windows 7 in the process of being rolled out remotely. IT replacement programme in progress. Technology Reserves in place.	Treat			Disaster Recovery Exercise to take place during 2014/15 Development of Tribunal Portal to facilitate Council and Highways Agency Appeals. Review of IT policies and procedures in the light of the separate domain .	HOS
3.	Loss of key members of management and staff	Disruption to operations Management of vacancies Project and	3	3	9	Clearly defined roles with flexibility to provide cover. Documented	Committee Reports	Treat			The majority of posts are filled with permanent/temporary staff. Forecasting is underway to prepare for the introduction of the Dartford River Crossing	HOS

Appendix 2

**RISK REGISTER
MAY 2014**

		operational targets affected				procedures Arrangements for temporary cover Arrangements in place to extend cover. Appointment Sub Committee & Working Group					appeals and the new appeals portal	
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. Contingency Planning	Committee Reports 14 new adjudicators recruited 2013	Treat			Regional Adjudicator structure in place. Training for new adjudicators complete. Development of the portal will increase efficiency of the appeals process.	CA
5	Achievement of Key Objectives	Failure to achieve key objectives	3	3	9	Performance Management Strategy and Reporting	Internal & External Audit Reports Committee Reports	Treat			Finance Manager role backfilled to provide project management support. External support in place for specific work streams on the portal project.	HOS

CA = Chief Adjudicator HOS = Head of Service

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

Note 2: A separate Risk Register is being prepared in respect of the Move to new premises and new host authority.

Appendix 2

RISK REGISTER
MAY 2014

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

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

Appendix 2

RISK REGISTER
MAY 2014

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.

Appendix 2

RISK REGISTER
MAY 2014

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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

Appendix 2

RISK REGISTER MAY 2014

1. Remote	20%	<input type="checkbox"/> The risk will not emerge in any foreseeable circumstance
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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

Appendix 2

RISK REGISTER
MAY 2014

	1	5	4	3	2	1
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Legend:

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

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

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

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

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APPENDIX 3

BUSINESS CONTINUITY MANAGEMENT POLICY

1. PURPOSE

The purpose of this policy is to formalise the Business Continuity program and to provide guidelines for developing, maintaining and exercising Business Continuity Plans (BCPs). This policy establishes the basic principles and framework necessary to ensure emergency response, resumption and recovery, restoration and permanent recovery of operations and business activities during a business interruption event.

2. SCOPE

This policy applies to staff, facilities and IT systems and preparation for scenarios including, but not limited to, natural disaster, power outage, hardware/telecommunications failures, data corruption and terrorism. These events may be local in nature, or could have regional impact, with multiple facilities in a geographic region becoming inaccessible. This policy provides guidance for the resumption and recovery of time sensitive business operations in accordance with pre-established timeframes as well as ensuring that adequate plans are in place for the less time sensitive business operations.

3. POLICY

The Joint Committee recognises the potential strategic, operational, financial, reputational and stakeholder risks associated with service interruptions and the importance of maintaining viable capability to continue business processes with minimum impact in the event of an emergency.

DEFINITIONS

- **BCG** – Business Continuity Group
- **BCP** – Business Continuity Plan
- **BIA** – Business Impact Analysis

4. PROCEDURES:

Statement of Policy

Business continuity policy and planning are fundamental to reduce the impact of business interruption and should be read in conjunction with the Joint Committee's Risk Management Statement.

The Joint Committee recognises the importance of developing, exercising and testing and maintaining plans for the resumption and recovery of business functions and processing resources. The resumption and recovery plans must be based on a risk assessment that considers potential losses due to unavailability of service versus the cost of resumption. These plans shall anticipate a variety of probable scenarios at local, regional and national level.

Responsibilities

Joint Committee and Advisory Board: Responsible for ensuring that Business Continuity Management policy and procedures are in place and reviewed by Officers on a regular basis.

Head of Service: Responsible for the documented development, maintenance and review of the Business Continuity Management policy and procedures and identifying key staff to have specific responsibility for business continuity in terms of premises, Adjudicators, staff, tribunal services, IT and finance. These Officers will comprise the Business Continuity Group.

Business Impact Analysis (BIA) and Risk Assessment

The BCG shall undertake a BIA on an annual basis to identify and prioritise the critical business processes and costs of downtime. The BIA shall cover the major business processes that cut across the multiple sections or teams. It shall identify the business process availability, recovery time objectives and associated risks if these processes were not available.

The Business Continuity Plan

The BCG shall develop the BCP to recover from an incident and provide, at the very minimum, the ability to recover critical processes in line with the findings of the BIA. The recovery plans for an incident shall be developed by the BCG. The BCG shall have oversight as to the creation of plans to provide leadership and guidance, and ensure appropriate consistency and coordination among the various business dependencies, as well as compliance/consistency with standards.

During an incident, the Head of Service and Officers identified in the Business Continuity Plan *shall* activate the Business Continuity Plan. The BCG shall work with the affected sections/teams to ensure smooth execution of the BCP. Where relocation is required, consideration will be given to alternative ways of working to ensure a swift resumption of services.

The Business Continuity Plan will be reviewed every six months and updated as changes occur. All incidents will be documented and records maintained.

Develop Resumption and Recovery Plans for People Assets

Adjudicators and staff shall be provided with communication approaches and tools to ensure communication among themselves and with the staff for emergency response and business continuity.

The BCG shall implement and maintain a basic communication plan for all sections/teams for emergency response and business continuity. Confidentiality of staff personal contact information for this purpose shall be managed in compliance with the Information Security and HR policies and practices.

Business continuity plans shall identify the designated primary staff member (from the business operation) and an alternate who can perform functional responsibilities in the absence of the primary staff member.

The BCG shall work to develop clear guidance on how the staff shall report their time during crisis. These staff may be directed to suspend their regular duties until the operations are restored at a permanent site or some alternate direction is provided.

Develop Resumption and Recovery Plans for Facilities and Office Space

In order to successfully resume critical business operations during an incident/crisis, the BCG must identify a safe, easily accessible and fully operational location with adequate resources (IT and others) for staff to report to and initiate operations from during the period of crisis. Any decisions regarding alternative facilities must provide adequate office space and alternate communication links.

Develop IT Systems Resumption and Recovery Plans

The BCP shall develop a coordinated strategy involving plans, policies, procedures, and technical measures that enable the recovery of IT systems, operations, and data that is identified as critical. The BCG shall also work with other companies that are responsible for development and maintenance of the technology and information that support critical business processes. The network architecture and telecommunications shall help ensure there is the ability to withstand local/regional crisis/national crisis.

BC policy and planning shall be integrated in IT policy, budget and implementation decisions. IT budget guidelines shall take into account good practices concerning business continuity planning and preparedness.

For new application development, BC planning should be integrated in all phases of the IT project life cycle, starting from Business Requirements, System Architecture, Design, Construction, Testing, Implementation, Maintenance and Retirement.

Testing

In order to validate the Business Continuity Plan and ensure strategies are capable of providing response and recovery results within agreed timeframes, planned testing will be conducted training provided to all staff on an annual basis and or as needs arise. The IT core system will be disaster recovery tested at an off site location annually. Test results shall be shared with the Advisory Board.

Communications

The BCP shall include mandatory instructions, advice, process, procedure or guidance concerning internal and external communications.

External communication during an incident/crisis is a critical business process. The BCG shall develop the process and messages that will be communicated to staff and stakeholders in the event of an incident or business interruption.

Training

Business Continuity training for the BCG (and other relevant staff) is essential for effective resumption and recovery of operations. BCG staff shall be supported with training to keep current in the business continuity best practice, latest technologies, tools, international standards and regulations that guide the development of BC plans. Training must include details regarding business resumption and recovery roles in coordination with the BCG.

BCP Maintenance and Management Reporting

The BCPs shall be updated on a bi-annual basis, or as often as changes require, using agreed templates. Most importantly all major updates should be incorporated as soon as possible and not held to satisfy a pre-arranged schedule.

The BCG shall consider the use of automated tools to support business continuity planning. Reporting business continuity planning status and progress is a key element of creating an effective BC program. The BCG shall report the status and progress of the BC program to the Advisory Board on an annual basis or after every BC test.

5. POLICY COMPLIANCE

Consistent compliance with this policy is essential to its effectiveness and therefore adherence to this policy is expected. The BCG will assess the preparedness of all the sections/teams. The assessment will include the quantification and qualification of exposures including, but not limited to, the resumption of time-sensitive operations and the recovery of other operations.

Internal Audit, as part of its work program, will review the business continuity plans periodically to ensure, as appropriate, alignment of the overall Business Continuity Program with Standards such as BS25999.

6. APPROVALS

Approved Joint Committee June 2012

Approved Joint Committee 2013

PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 25th June 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Consultation on the Draft Traffic Signs Regulations and General Directions 2015

1.0 Report Summary

- 1.1 To inform the Joint Committee of the recent Department for Transport Consultation on the draft Traffic Signs Regulations and General Directions (TSRGD) 2015

2.0 Recommendation

- 2.1 The Joint Committee notes the responses of the Adjudicators and PATROL to the consultation (Appendix 1 and 2)

3.0 Reasons for Recommendations

- 3.1 To update the Joint Committee

4.0 Financial Implications

None at this time however the responses highlight the potential of the proposed changes to increase the number of appeals.

5.0 Legal Implications

- 5.1 Set out in the report.

6.0 Risk Management

- 6.1 None at this time however capacity is a factor in the risk register.

7.0 Background and Options

- 7.1 The Department for Transport determined that the current TSRGD is out of date and undertook a review of signing policy culminating in "Signing the Way" published in 2011 which set out recommendations for delivering a modernised TSRGD.

7.2 The current consultation which focuses on the draft schedules has now closed to obtain feedback on recommendations to give a radically different TSRGD with the aim of providing greater flexibility for local authorities and a greater range of sign designs with a view to reducing the number of authorisations required from the Department for Transport.

7.3 The changes include:

- More discretion in placing signs including the requirement for upright signs and markings to be placed together;
- Relaxation for requirements for lighting signs
- Reducing sign clutter
- Creating a flexible legislative framework for the future.

7.4 The new regulations will consolidate amendments made to the TSRGD since 2002 including:

- The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997
- The Traffic Signs (Temporary Obstructions) Regulations 1997
- The Temporary Traffic Signs (Prescribed Bodies) (England and Wales) Regulations 1998
- The School Crossing Patrol Sign (England and Wales) Regulations 2006.

7.5 The new TSRGD will incorporate measures in the authorisations issued to every local authority in England following the publication of “Signing the Way”. As TSRGD applies to Scotland and Wales, these measures will now be available to Welsh local authorities as well including:

- Allowing greater flexibility in signing 20 mph zones and limits
- A range of changes on signing and marking parking and loading bays.
- Signs indicating a part time advisory 20 mph speed limit for use near schools
- Pedestrian countdown signals
- Signs to prohibit parking on footways and verges
- Extending bus lane signing to include “authorised vehicles”
- Cycle safety (trixi) mirrors

7.6 The new TSRGD adopts a “building block” approach by prescribing the elements for the signs instead of illustrating signs individually. The Department for Transport aims to reduce the department’s authorisation burden, particularly in relation to parking restrictions. The building block approach allows local authorities to design signs that suit their local needs.

8.0 Responses to the consultation

Members are asked to note the responses of the Adjudicators and PATROL to the consultation (Appendix 1 and 2)

9.0 Access to Information

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

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

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Appendix 1

Consultation on the draft Traffic Signs Regulations and General Directions 2015

Response of the Traffic Penalty Tribunal Adjudicators.

The Traffic Penalty Tribunal (“TPT”) Adjudicators have all been made aware of the consultation and a number of them have expressed views about different aspects of the proposals. There are 32 TPT adjudicators, all lawyers as the Traffic Management Act 2004 (“TMA”) requires, who deal with parking and bus lane penalty charge appeals, issued by local authorities from Canterbury to Carlisle, Anglesey to the Isle of Wight, Cornwall to Northumbria and from Aberystwyth to Ipswich.

The consultation suggested that the new format may take some getting used to, but first impressions are that the new format is unwieldy and difficult to use. The TSRGD should be a document that is easy for the public to use and understand as well as trained traffic experts and engineers. But this new volume is exceptionally convoluted. The Adjudicators’ powers of description, both in writing and orally, will be challenged in trying to explain the new provisions where the suggestion is that the signing used is not prescribed, or does not convey the effect of the TO.

We have given careful consideration to the Consultation document, the draft circular and the draft Regulations. Some questions we are not qualified to answer so we have left them out from this response to the consultation.

So far as the other questions are concerned:

Question 2 – Lighting

We would observe that where there is a bus lane or moving traffic restriction that applies at night and is being enforced by a CCTV camera that the authorities ensure that the restriction sign is clearly visible for road users at night and should always consider illumination.

Question 3 – Ideas for reducing clutter

The best way to reduce sign clutter is to have a vigorous public information campaign using a wide variety of media so that every driver in the UK knows about the impact of reducing road signs.

Question 4 – Creating yellow line restrictions without a traffic order.

The TPT Adjudicators do NOT support the proposals to allow yellow line restrictions to be introduced or removed without an associated Traffic Order.

We do agree that both school entrance zig-zags and the exceptions for cycles at the mandatory signs could be introduced with the need for a TO. In essence, bus stops, school entrance zig-zags and pedestrian crossing zig-zags are all stopping prohibitions and are limited in a relatively small area of carriageway to which they apply.

However waiting restrictions carry a number of exemptions, and can be introduced for many hundreds of yards, and throughout a zone of many streets. Therefore they need to be subject to consultation before introducing them in a transparent dignified order making process. We therefore have considerable reservations as to the sense of removing the requirement to have a waiting restriction backed by a traffic order. We fully appreciate that in the eye of the public there is little understanding that a parking contravention is currently a violation of the terms of a bylaw rather than offending against the yellow line.

The problems that could occur with the removal of a supporting TO behind a waiting restriction are not difficult to imagine. The pressure to introduce or remove a restriction at, say, election time could always be a possibility, while manipulative sectors of the community could use the provisions to benefit themselves. And one it was known that yellow lines could suddenly appear at the behest of the local authority, individuals might think it easy to paint, or rub away, a few yellow lines themselves. The risk of arbitrariness and undue influence is minimised by the application of democratic processes. To remove the process would weaken and undermine the system.

We also consider that there could be misunderstandings at a local level between counties and districts about painting new yellow lines.

We have no objection to the introduction of short stretches of yellow line restrictions, which could be made using the shortened minor order process, but we consider that if a blanket restriction is proposed in an area, for example a new controlled parking zone, then it should be subject to the full rigour of the consultation process with an order made in the democratic process.

Three key issues have not been addressed in the consultation or draft circular:

1. With the proposals subject to the consultations it is not clear which provisions of the TMA would give the power to issue a PCN under the civil enforcement regime. It is Paragraph 4(2) of Schedule 7 of the TMA sets out the circumstances when a PCN may be issued outside London. At present a yellow line contravention is what would have been an offence contrary to Section 5 of *the Road Traffic Regulation Act 1984* ("RTRA") outside London and Section 11 inside London. If the yellow lines restriction has not been made under either Section 1 or Section 6 then there is no power to issue a PCN under Paragraph 4(2)(b). Paragraph 4(2)(i) covers civil enforcement of offences of not complying with a sign i) being for bus lanes, and ii) being for zig-zags,

but would need to be modified to include yellow line waiting restrictions. However, that in itself would create problems because most existing yellow lines would have been made under either Section 1 of 6 and so the penalty for the order made restrictions would be imposed under Paragraph 4(2)(b), and the adjudicator would need to know if the yellow line was introduced without a TO for the modified 4(2)(h) to apply.

2. If the requirement to have a TO is simply removed then *The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000* ("The Disabled Exemption Regulations") will not engage with waiting restrictions, with the consequence of frustrating the purpose those regulations.
3. Unless the waiting restrictions are made under the provisions of the RTRA then the ouster clause contained in Part VI of Schedule 9 whereby the validity of a traffic order cannot be challenged in any legal proceedings whatsoever of the RTRA would not apply, This would mean that all the places where yellow lines had been introduced without the backing of a TRO could potentially be challenged on the grounds of validity. For example, if it transpired that through undue influence a double yellow line had been painted outside a rival's shop to discourage competition then the adjudicators might rule the waiting restriction invalid as not being put there for a proper purpose.

We therefore suggest that the most robust way to achieve the purpose of simplifying the introductions of more waiting restrictions is to include yellow lines in the minor orders provisions of *the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1096 ("LATOR")*. Because the mapped schedules to most TOs provide a simple and easy way of extending or reducing a restriction without having to draft a complex description of the extent of the restrictions the process could be quick and easy. The combination of making a minor order amending the map would achieve the same ends as removing the need to make a TO at all. And because the TOs would continue to be made under Sections 1 or 6 the RTRA the Disabled Exemption Regulations would still engage as would the ouster clause in Part VI of Schedule 9 of the RTRA.

We would still recommend that the minor order provisions are restricted to waiting restrictions of, say 30 metres. This would provide for waiting restrictions to be placed at junctions without the need for consulting or advertising the order. However, an authority should not be permitted to introduce an areas wide restriction without going through the proper procedure. In our view it would be improper to introduce yellow lines, for example for a one hour restriction in the middle of the day without formal consultations and applying the safeguards and processes laid down in LATOR.

There have in the past been suggestions that the requirements to advertise in the local press should be removed. There was even a DfT consultation, but nothing more has been heard. No doubt members of the press objected, and those objections at the time outweighed the consultees who were in favour of abolition the newspaper publication requirement. In our view the Government should return to those proposals and now remove the requirement to advertise in a newspaper. That reform would make the traffic

order procedure more workable, achieve significant savings, while retaining the rigour of the democratic process.

For these reasons The TPT Adjudicators would suggest that the way to go about this is to amend LATOR so as to:

1. remove the requirement to advertise in a newspaper, (with Guidance on how to communicate proposed traffic orders), and
2. provide for waiting restrictions of less than 30 metres to subject to the minor orders short procedure.

Question 5 – Cycling facilities.

We do not support the introduction of cycle lanes without a Traffic Order having been made using the full consultation procedure. In terms of parking there is already confusion as to whether parking is allowed on cycle lanes. Paragraph 4(2)(h) allows a PCN to be issued for parking in a cycle **track** but a cycle **lane** must be subject to a waiting restriction for TMA enforcement. (Failing to comply with a cycle route sign, currently sign 955 would be subject to civil enforcement were those powers brought into force – see below). Having said that, from time to time authorities issue PCNs for parking in a cycle lanes where there is no concomitant waiting restriction. The fact is that some cycle lanes go on for more half a mile or more, and there are significant numbers of residential properties beside them where it is inconvenient and impractical to ban, say, deliveries. There is confusion as to whether, without a waiting restriction, parking is permissible, or loading and unloading. The Highway Code forthrightly instructs that you **MUST NOT** park on a cycle lane. The Disabled Exemption Regulations do not apply where the waiting restriction covers a cycle lane.

Therefore if authorities can just introduce a cycle lane without going through the order making process it is likely to create problems for adjacent residences without them having a right to be consulted It should be borne in mind that online grocery shopping, with deliveries, are as useful a tool in traffic management as cycling.

Question -7 Boundary Signing

Might it be helpful to be able to include that the area within the boundary is a special enforcement area for the purposes of dropped kerb and double parking prohibition in Section 85 and 86 of the TMA. Also the camera enforcement sign could be usefully be included where considered appropriate.

Additional points.

There was not a question seeking views about the proposal to remove the need for providing both a carriageway marking of a parking bay and an upright plate. We note that this will only be recommended where the bay applies 'at any time', such as bays designated for the disabled or loading.

The relaxation of the requirement to place a plate beside a road marking of a designated bay where the designation applies at any time may inadvertently result in authorities deciding to make more orders that apply at any time in order to bring themselves within the more liberal provisions where the presence of a plate is not mandatory. This might be done for expediency, the desire to reduce clutter, or inevitably, because of the savings that can be

achieved by providing fewer plates. Therefore the 'at any time' designation may not be made because the traffic management objectives require a strict designation. However, once there is an 'at any time' designation the authority, or its contractors, may decide to enforce it at night on the principle that if the authority has decided to impose a stringent designation, then it is their duty to enforce it. We therefore consider that that the relaxation has the potential to be exploited inappropriately where the temptation to make savings is irresistible, especially if it can be justified on the grounds of less clutter.

Finally we feel obliged to point out that these new signing initiatives are considerably undermined by the Government's reluctance to bring into force the bus lane and minor moving traffic provisions in Part VI of the TMA. One wonders what the point is of the exercise is in allowing authorities greater flexibility in signing their traffic schemes if they have not been given the powers to enforce them. In particular, the signs listed in Paragraph 9 of Part 4 of Schedule 7 are all dealt with in the new proposals and yet the local authorities cannot enforce them.

Caroline Sheppard
Chief Adjudicator for England and Wales

12 June 2014

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Appendix 2

**Consultation on the draft Traffic Signs Regulations and General Directions 2014
Response of the PATROL Joint Committee.**

The following response is made by the PATROL (Parking and Traffic Regulations Outside London) Joint Committee which represents over 300 councils outside London. PATROL's members will be responding individually and in detail to the consultation. We alerted all the member authorities in PATROL to the consultation and asked them to respond to us with anything they wanted submitting but only received two responses. While recognising the hard work and good intentions that has gone into the initiative we do not detect enormous enthusiasm for the proposals from authorities outside London. The following response is limited to comments on the general principles of the proposed new signing regime.

1. Measures that simplify the process and procedure are generally to be welcomed, and in particular all authorities are keen to reduce sign clutter. However, the overall purpose of traffic signs is to promote public understanding and compliance. The foreword to the consultation makes reference to Great Britain being widely acknowledged as having one of the best traffic signing systems in the world, whose signs have become "instantly recognisable and a familiar part of our everyday lives". Public understanding of what is required of them should continue to be the yardstick against which the quality of signing is measured.
2. Authorities outside London welcome the wider range of plates that can be used with restriction signs and particularly that the Secretary of State's authorisation will not be required so frequently. They would nonetheless appreciate updating of the Guidance in the Traffic Signs Manuals to assist them with designing the schemes, and to take full advantage of the flexibility the new proposals offer.
3. Whilst increased flexibility will always be an attractive option for local authorities, particularly in times of financial austerity, consideration needs to be given to whether lack of awareness amongst the public through, for instance, by allowing changes to yellow lines restrictions to be made without an associated traffic order process or lack of understanding, by removing the requirement to compliment lines with signs, may result in reduced compliance and increased representations to local authorities and ultimately to the adjudicators. It would be unfortunate if the costs of dealing with increased representations and appeals were to undermine the savings made in reducing signs. We note that this potential expense has not been addressed in the Impact Assessment.
4. The "user" for signage in any location will be combination of local residents and visitors. Signing should be equally understandable to both groups to ensure that visitors are not disadvantaged. Consistency of approach to signing across the country is helpful to the road user in this respect.
5. The recent Transport Select Committee Report referred to adverse public perceptions of the civil parking enforcement scheme and called for greater transparency amongst local authorities. In particular there was a call for local businesses to seek changes to restrictions and designations. Reducing the requirements for consultation and signage may be seen to be at odds with this call and whilst specific requirements for consultation may be relaxed,

local authorities will need to reflect on how they can keep the public informed and aware of local traffic management arrangements. There will need to be a range of communication approaches including leafleting, meetings, web sites, social media as well as parking annual reports.

6. The removal of the need for a traffic order for yellow line waiting restrictions is a double edged sword for local authorities. On the one hand it will have the benefit of councils being able to respond in a timely fashion to address traffic management or road safety issues caused by inappropriate parking as well as reducing the costs associated with newspaper advertising. On the other hand the political pressure brought by particular sectors of a councillor's ward to add or remove waiting restrictions, and outside whose house, may prove problematical and unfair without the protection of basic democratic procedures. The risk to local authorities if they do not carry out sufficient consultation is the possibility of legal challenge. Whilst the majority of local authorities may well keep the existing consultation regime or may introduce their own policies to cover this, the benefit of a statutory regime is that it creates certainty for both local authorities and the public. Consultation is also in line with localism and the removal of the statutory requirement is the removal of the public's statutory right to be consulted. Consideration could be given to retaining the statutory requirement but with more flexibility on how the consultation could be carried out – for example, the Traffic Penalty Tribunal Adjudicators have suggested making waiting restrictions subject to the 'minor orders' provisions in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. This would simplify the procedure while retaining the rigour of a traffic order. Either way, national guidance would be helpful to establish consistent levels of consultation on proposals across the country.
7. The removal of the requirement for a TRO would only seem to be of benefit if a local authority is proposing new restrictions on a road which is currently unrestricted. Where restrictions already exist, the presumption is that revisions to those restrictions need to be changed Traffic Regulation Orders (TROs) by advertising a variation order (which requires a statutory consultation). Failure to do this will result in a layering effect on the road which could result in confusion and ambiguity and ultimately more appeals reaching adjudication. Further confusion may arise where TROs may include exemptions local to an area, so potentially the proposed removal of the need for TROs could create ambiguity between those restrictions that haven't been introduced by TRO and those that have.
8. The proposal to remove the requirement for a plate where a bay applies at any time is interesting. However there is some concern that different authorities will approach this in different ways thereby causing confusion to motorists who have understood the signing in one scheme, but cannot apply the same principles in another area. So while the proposals bring about welcome flexibility for local authorities there will nevertheless need to be the responsibility to take appropriate measures to keep the public informed of changes whether at a national or local level to promote public awareness, understanding and compliance and to ensure that changes do not prejudice the public and the legal requirements are not overlooked or misunderstood.
9. PATROL is committed to improving public information on civil parking enforcement through its web site and changes to the signs regulations will be explained. The Joint Committee also promotes best practice in council communication to the public and will look to share best practice on council consultation and communication should the statutory requirements be removed. Whatever the outcome of the consultation and the consequential decision by Ministers as to implementing the new proposals PATROL will take steps to provide

appropriate public information on behalf of the enforcement authorities in England and Wales.

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PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 25th June 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: General Progress and Service Standards

1.0 Report Summary

To report on tribunal activity and service standards for the period 2013/14.

2.0 Recommendations

Members are asked to note the report on tribunal activity and service standards for the period 2013/14.

3.0 Reasons for Recommendations

To update Members on the tribunal's activity during the previous financial year.

4.0 Financial Implications

The report demonstrates increased numbers of appeals when compared with 2012/13. The increase is more significant for bus lanes appeals than parking appeals.

5.0 Legal Implications

None

6.0 Risk Management

Tribunal capacity to handle appeals is reviewed through the Risk Register.

7.0 Background and Options

7.1 The following provides a summary of tribunal activity with particular focus on the tribunal's objective of "providing a tribunal service which is user-focused, efficient, timely, helpful and readily accessible."

7.2 Parking and Bus Lane Appeals

The table below shows the total number of appeals and witness statements received by the Tribunal. Parking appeals have shown an increase of 3% and Bus Lanes appeals have increased by 76% when comparing 2012/13 and 2013/14. The overall increase in appeals over this two year period is 13%.

	Parking	Bus Lane	Total
Apr 2011 - Mar 2012	15,808	2,640	18,448
Apr 2012 – Mar 2013	15,168	2,342	17,510
Apr 2013 – Mar 2014	15,631	4,139	19,770

7.3 Acknowledgement of Appeals

Despite this increase in appeals, acknowledgement rates have increased from 95% in 2012/13 to 99% in 2013/14.

Period	Actual	Target
2011/12	99%	95% within 2 working days
2012/13	95%	95% within 2 working days
2013/14	99%	95% within 2 working days

7.4. Hearing Types

During 2013/14, of decided cases, 61% were determined by without a hearing, 24% by telephone hearing and 16% with a face to face hearing.

7.5 Participation in hearings

During 2013/14 appellants participated in 90% of telephone hearings (compared to 80% for face to face hearings) and councils participated in 65% of hearings (compared to 49% for face to face hearings)

7.6 Case Closure

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". In June 2007 the Joint Committee approved the following targets:

Face to face hearings

60% of cases to be offered a face to face hearing date within 8 weeks of receipt of the Notice of Appeal.

90% of cases to be offered a face to face hearing date within 12 weeks of receipt of the Notice of Appeal

Postal Decisions

80% of decisions without a hearing to be made within 7 weeks of receipt of the Notice of Appeal.

The reports on case closure include all cases which were registered during 2012/13 and have been decided (data is also included for the year ending 31 March 2012 for comparison). 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

The following tables provide case closure times in respect of: Parking (England), Parking (Wales) and Bus Lanes (England). Performance has been broadly maintained during a time of significant change of the Tribunal which has impacted on staffing levels and experience. The tribunal has also experienced some technical disruption due to the separation of its domain. It is anticipated that 2013/14 will be a period of consolidation including re-organisation of staffing in response to the popularity of telephone hearings.

c) **Parking Appeals (England)****Cases decided without a hearing**

Measure	April 2012 to March 2013	April 2013 to March 2014
Average number of weeks between registration of appeal and decision issued	5.35 weeks	5.03 weeks
Cases with less than 7 weeks between registration and decision (postal target)	80.81%	83.84%
Cases with less than 12 weeks between registration and decision	96.03%	96.43%

Cases decided through a telephone hearing

Measure	April 2012 to March 2013	April 2013 to March 2014
Average number of weeks between registration of appeal and decision issued	9.08 weeks	8.51 weeks
Cases with less than 8 weeks between registration and decision (personal target)	58.33%	61.47%
Cases with less than 12 weeks between registration and decision (personal target)	83.79%	89.16%

Cases decided through a face to face hearing

Measure	April 2012 to March 2013	April 2013 to March 2014
Average number of weeks between registration of appeal and decision issued	13.79 weeks	12.75 weeks
Cases with less than 8 weeks between registration and decision (personal target)	18.06%	25.40%
Cases with less than 12 weeks between registration and decision (personal target)	53.69%	60.02%

d) **Parking Appeals (Wales)****Cases decided without a hearing**

Average number of weeks between registration of appeal and decision issued	5.50 weeks	4.63 weeks
Cases with less than 7 weeks between registration and decision (postal target)	82.82%	86.80%
Cases with less than 12 weeks between registration and decision	92.84%	96.89%

Cases decided through a telephone hearing

Measure	April 2012 to March 2013	April 2013 to March 2014
Average number of weeks between registration of appeal and decision issued	8.41 weeks	9.04 weeks
Cases with less than 8 weeks between registration and decision (personal target)	65.33%	57.78%
Cases with less than 12 weeks between registration and decision (personal target)	86.67%	91.11%

Cases decided through a face to face hearing

Measure	April 2012 to March 2013	April 2013 to March 2014
Average number of weeks between registration of appeal and decision issued	13.23 weeks	14.85 weeks
Cases with less than 8 weeks between registration and decision (personal target)	30.19%	13.70%
Cases with less than 12 weeks between registration and decision (personal target)	56.60%	45.21%

e) **BUS LANES (England)****Cases decided without a hearing**

Measure	April 2012 to March 2013	April 2013 to March 2014
Average number of weeks between registration of appeal and decision issued	5.81 weeks	5.97 weeks
Cases with less than 7 weeks between registration and decision (postal target)	76.17%	72.61%
Cases with less than 12 weeks between registration and decision	94.26%	92.11%

Cases decided through a telephone hearing

Measure	April 2012 to March 2013	April 2013 to March 2014
Average number of weeks between registration of appeal and decision issued	10.01 weeks	9.48 weeks
Cases with less than 8 weeks between registration and decision	48.18%	53.70%
Cases with less than 12 weeks between registration and decision	79.87%	82.58%

Cases decided through a face to face hearing

Measure	April 2012 to March 2013	April 2013 to March 2014
Average number of weeks between registration of appeal and decision issued	14.15weeks	12.45 weeks
Cases with less than 8 weeks between registration and decision (personal target)	11.68%	23.96%
Cases with less than 12 weeks between registration and decision (personal target)	47.20%	59.45%

7.7 Improving the accessibility of the tribunal

The tribunal has introduced a number of initiatives to increase the accessibility and efficiency of the Tribunal. The table below charts progress

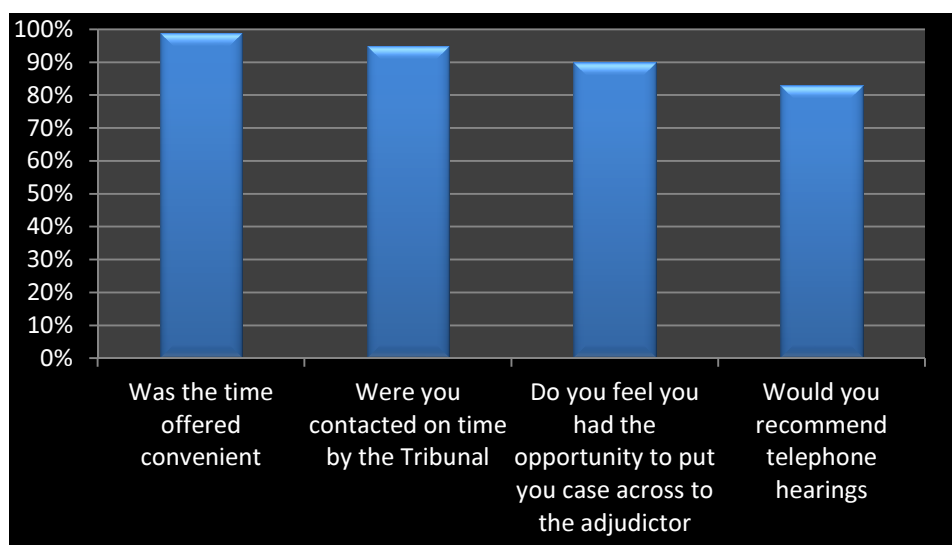
Initiative	2011/12	2012/13	2013/14
Councils offering appeal on line (prefixes)	153	162	190
Appeals received on line as a percentage of total appeals	9%	10%	11%
Councils engaged in electronic transfer	115	138	138
Councils engaged in TRO certification	222	233	250
Councils receiving correspondence by email (prefixes)	343	371	393
Proportion of hearings by telephone	17%	22%	24%
Visits to Tribunal Web Site	81,817	209,818	116,321
Visits to PATROL Website	44,259	52,490	71,203

7.8 Customer feedback

Customer feedback is monitored through the monitoring of complaints and compliments, specific user feedback including feedback from hearings and the current appeal on line process.

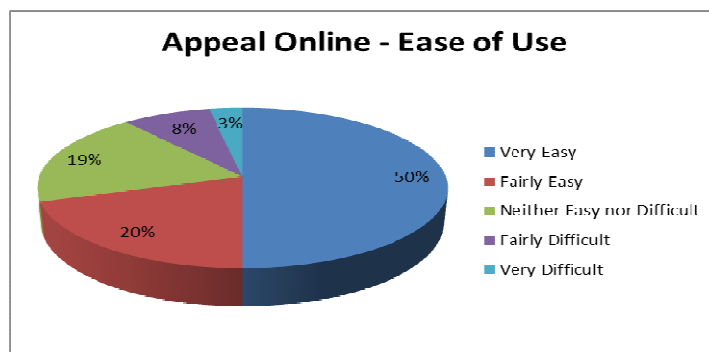
a) Telephone Hearing Feedback

During the final quarter of 2013/14, the following feedback was received from appellants:



b) Appeal on Line Feedback

The following feedback was received through the Appeal on Line web site:



During 2013/14 feedback indicated that Appeal on Line's ease of use was as follows: Very Easy – 50%; Fairly Easy 20%, neither easy nor difficult 19%; fairly difficult 8%; Very difficult 3%. 96% of respondents stated that they would use the Appeal Online function again. However the overall number of appeals made on line has remained static at around 10%.

c) Complaints Analysis April 2013 – March 2014

There has been a further decrease in the amount of complaints received by the Tribunal. The figures for 2013/2014 relate to complaints concerning administration.

	2011/2012	2012/2013	2013/2014
Complaints received	25	18	12
Complaints acknowledged within 5 working days	21	16	12
Complaints resolved within 20 working days	24	16	12

Results of complaints 2013/14	Number
Upheld	6
Rejected	4
Partially upheld	2

Reason	Number
Administration error	4
Tribunal staff	1
Telephone hearing	3
Personal Hearing/Reschedule requests	2
Tribunal Process	2
TOTAL	12

8.0 Access to Information

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

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PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 25th June 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Adjudicator Appointment

1.0 Report Summary

To seek re-appointment of Caroline Sheppard as Adjudicator and Chief Adjudicator for the period 2014 to 2019.

2.0 Recommendations

Members are asked to:

Approve the re-appointment (subject to the consent of the Lord Chancellor) for the period 2014/2019 of Caroline Sheppard by virtue of Regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and Regulation 16 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013 and to extend her appointment as Chief Adjudicator for England and Wales for the same period.

3.0 Reasons for Recommendations

Adjudicator appointments are for a period of five years. The Memorandum of Understanding between the Joint Committee and the Adjudicators sets out the background to the Chief Adjudicator role.

4.0 Financial Implications

None

5.0 Legal Implications

None

6.0 Risk Management

None

7.0 Background and Options

Adjudicator appointments are made for a period of five years. The Memorandum of Understanding between the Joint Committee and the Adjudicators sets out the arrangements for appointing adjudicators and the Chief Adjudicator and is reported elsewhere.

8.0 Recommendation

Members are asked to:

Approve the re-appointment (subject to the consent of the Lord Chancellor) for the period 2014/2019 of Caroline Sheppard by virtue of Regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and Regulation 16 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013 and to extend her appointment as Chief Adjudicator for England and Wales for the same period.

9.0 Access to Information

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

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