

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Agenda

Date: Tuesday 26th October 2021
Time: 10.00 am
Venue: Park Plaza County Hall London, SE1 7RY

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

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

2. Apologies for Absence

To receive apologies for absence.

3. Declarations of Interest

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

4. Matters deferred for decision from July's Inquorate Meeting

a. Minutes of the meeting held 16th July 2019 (Pages 3 - 13)

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

b. Minutes of the meeting held 28th July 2020 (Pages 14 - 16)

To note the minutes of the PATROL Adjudication and Bus Lane Adjudication Service Joint Committees' Resources Sub Committee meeting held 28th July 2020

c. Minutes of the meeting held 26th January 2021 (Pages 17 - 27)

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

d. Decisions taken under Urgency Provisions

- i. Draft Annual Return 2020/21 and financial policies (Pages 28 - 29)
- ii. Response to legal correspondence in relation to delayed appeal decisions (Pages 30 -31)

5. Minutes of the meeting held 13th July 2021 (Pages 32 - 36)

To note the minutes of the PATROL Adjudication Joint Committee held 13th July 2021 (enclosed).

6. Chair's Update (verbal)

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

7. Chief Adjudicator's Update (verbal)

To receive an update from the Chief Adjudicator

8. Wales Update (enclosed) (Pages 37 - 38)

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

9. Audit Commission Small Bodies Annual Return for the Year Ended 31 March 2021. (Pages 39 - 50)

To note the completion of the external audit of accounts 2020/2021 (enclosed)

10. Budget Monitoring – Review of Reserves and basis for defraying expenses (Pages 51 - 53)

Items common to PATROL and Bus Lane Adjudication Service Joint Committee

11. Establishment of Executive Sub Committees (Pages 54 - 59)

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

12. Report of the PATROL and BLASJC Resources Working Group (Pages 60 - 63)

To report on the PATROL and BLASJC Resources Working Group which met on 25th March 2021, 24th June 2021 and 23rd September 2021 and to approve the updated Terms of Reference (enclosed).

13. General Progress Report (Pages 64 - 73)

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

14. Public Affairs Report (Pages 74 - 79)

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

15. Risk Register (Pages 80 - 84)

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

16. Review of Governance Documentation (Pages 85 - 111)

To review governance matters and documentation and to appoint the Proper Officer (enclosed).

17. Appointments to the Advisory Board (Pages 112 -117)

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

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

To note that the awards event was held on Monday 25th October 2021 with all winning authorities from 2020 and 2021 in attendance to receive their awards.

19. Pavement Parking in England

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

20. Date of next meetings Tuesday 25th January 2021 and 12th July 2022.

Minutes of a meeting of the

PATROL Adjudication Joint Committee

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

PRESENT

Councillor Stuart Hughes (Devon County Council) in the Chair

Councillors

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

Officers in attendance

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

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

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

1 APPOINTMENT OF CHAIR, VICE CHAIR AND ASSISTANT VICE CHAIR

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

RESOLVED

That the approval be given to the following appointments:

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

2 APOLOGIES FOR ABSENCE

Apologies for absence from the following Councils were reported:

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

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

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 MINUTES OF THE MEETING HELD ON 10 JULY 2018

RESOLVED

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

5 MINUTES OF THE MEETING HELD ON 30 JANUARY 2019

RESOLVED

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

6 CHAIRMAN'S UPDATE

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

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

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

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

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

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

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

RESOLVED

That the Chairman's update be noted.

7 CHIEF ADJUDICATOR'S UPDATE

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

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

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

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

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

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

RESOLVED

That the Chief Adjudicator's update be noted.

8 WALES UPDATE

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

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

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

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

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

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

RESOLVED

That the update be noted.

9 DRAFT ANNUAL RETURN 2018/19

The draft annual return and its supporting documents were considered.

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

RESOLVED

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

10 RESERVES POLICY

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

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

RESOLVED

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

11 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEES

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

RESOLVED

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

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

12 REPORT OF THE PATROL AND BLASJC RESOURCES WORKING GROUP

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

RESOLVED

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

13 GENERAL PROGRESS REPORT

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

RESOLVED

That the progress report be noted.

14 PUBLIC AFFAIRS REPORT

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

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

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

RESOLVED

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

15 RISK MANAGEMENT STRATEGY

The Committee considered the current assessment of risk.

RESOLVED

That the current assessment of risk be noted.

16 REVIEW OF GOVERNANCE DOCUMENTATION

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

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

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

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

RESOLVED

That the Joint Committees:

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

17 APPOINTMENTS TO THE ADVISORY BOARD

Members considered the Terms of Reference for the Advisory Board.

RESOLVED

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

18 PATROL PARKING ANNUAL REPORTS BY COUNCILS (PARC) AWARDS

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

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

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

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

RESOLVED

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

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

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

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

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

PRESENT

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

1. Apologies

Apologies were received from:

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

2. Declarations of Interest.

No declarations of interest were made.

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

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

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

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

RESOLVED: That the Sub Committee

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

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

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

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

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

RESOLVED: That the Sub Committee

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

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

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

The meeting commenced at 10.45 am and concluded at 10.58 am

Minutes of a virtual meeting of the

**PATROL Adjudication Joint Committee
Executive Sub Committee**

held on Tuesday, 26th January, 2021

PRESENT

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

Councillors

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

Officers in attendance

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

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

Councillors observing

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

12 APOLOGIES FOR ABSENCE

Apologies for absence were received from:-

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

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

13 DECLARATIONS OF INTEREST

There were no declarations of interest.

14 MINUTES OF THE MEETING HELD 13 OCTOBER 2020

RESOLVED

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

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

RESOLVED

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

15 CHAIR'S UPDATE

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED

That the updates be noted.

16 WALES UPDATE

Consideration was given to a written update from Wales.

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

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

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

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

RESOLVED

That the update be noted.

17 BUDGET MONITORING 2020/21

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

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

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

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

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

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

RESOLVED

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

18 REVENUE BUDGET 2021/22

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

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

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

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

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

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

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

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

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

RESOLVED

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

19 RESERVES POLICY STATEMENT

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

RESOLVED

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

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

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

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

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

20 DEFRAYING THE EXPENSES OF THE JOINT COMMITTEE 2021/22

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

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

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

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

RESOLVED

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

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

The latter would include new road user charging penalties arising from the introduction of charging Clean Air Zones in 2021¹ (including but not restricted to

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

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

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

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

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

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

21 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE

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

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

RESOLVED

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

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

22 RISK MANAGEMENT FRAMEWORK

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

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

RESOLVED

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

23 ANNUAL INVESTMENT STRATEGY

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

RESOLVED

That the Annual Investment Strategy 2020/21 be approved.

24 TRAFFIC PENALTY TRIBUNAL GENERAL PROGRESS REPORT

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

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

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

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

RESOLVED

That the matters reported be noted.

25 PUBLIC AFFAIRS OVERVIEW

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

RESOLVED

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

26 DATE OF NEXT MEETING

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

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

The meeting commenced at 11.00 am and concluded at 12.46 pm

Councillor Stuart Hughes
Chairman

PATROL Adjudication Service Joint Committee

Date of Meeting: 13 July 2021

Report Title: Urgent Decision

Senior Officer: Director

1. Report Summary

The purpose of the report is to inform the Committee of an urgent decision which needed to be taken by the Director in consultation with the Chair of the Committee before the next meeting of this Committee.

2. Recommendation

That the Urgent Decision taken by the Director in consultation with the Chair of the Committee on 13 July 2021 to approve the internal audit for the year 2020/2021 and the financial policies for the year 2021/2022 is to be noted.

3. Reasons for Recommendation

- 3.1. The PATROL Joint Committee is responsible for promoting high standards of ethical behaviour and ensuring compliance with financial regulations and requirements.
- 3.2. As the Annual Meeting was inquorate and could not proceed, there was an urgent need to approve the outcome of the internal audit to enable the commencement of external audit to ensure that financial controls were independently assessed.
- 3.3. Financial policies for the year ahead also required approval, to ensure that there was minimal disruption to the day to day operation of the Traffic Penalty Tribunal and PATROL.

4. Other Options Considered

It was not practicable in the time available to convene an urgent meeting of this Committee solely for consideration of this item. Less urgent items from the annual meeting were deferred until the meeting of the Executive Sub Committee on 26th October 2021.

5. Implications of the Recommendations

5.1 Legal Implications

None.

5.2 Finance Implications

None.

5.3 Risk Management Implications

Not putting in place the recommended approval of the internal audit and accounts would have created a delay to the external audit process and severely disrupted the committee meetings for the coming year. Not approving financial policies could also have affected day-to-day operations including but not limited to, income, expenditure and remuneration.

6. Access to Information

Any questions relating to this report should be directed to the following officer:

Name: Laura Padden

Job Title: Director

Email: lpadden@patrol-uk.info

PATROL Adjudication Service Joint Committee

Date of Meeting: 13 July 2021

Report Title: Urgent Decision

Senior Officer: Director

1. Report Summary

The purpose of the report is to inform the Committee of an urgent decision which needed to be taken by the Director in consultation with the Chair of the Committee before the next meeting of this Committee.

2. Recommendation

That the Urgent Decision taken by the Director in consultation with the Chair of the Committee on 1st October 2021 to respond to legal correspondence from the solicitors acting on behalf of the Mersey Gateway Crossings Board and Halton Borough Council to be noted.

3. Reasons for Recommendation

- 3.1. The PATROL Joint Committee is responsible for dealing with correspondence from legal representatives acting on behalf of member authorities.
- 3.2. As the PATROL Joint Committee Annual Meeting on 13th July 2021 was inquorate and could not proceed, the appointments of Chair, Vice Chair and Assistant Chairs, as well as the Proper Officer for PATROL Joint Committees could not be made and were deferred to the Sub Executive Committee on 26th October 2021.
- 3.3. The correspondence from the solicitors acting on behalf of the Mersey Gateway Crossing Board and Halton Borough Council was addressed to the Proper Officer with copies also sent to the Chair. It raised a number of queries in relation to appeals that have remained undetermined for a significant period of time. The solicitors requested a response before 5th October 2021, detailing why some appeal decisions had been delayed at the tribunal for a period of two years.

4. Other Options Considered

It was not practicable in the time available to convene an urgent meeting of this Committee solely for consideration of this item. An initial response was prepared in consultation with the Chair and sent on 3rd October 2021.

5. Implications of the Recommendations

5.1 Legal Implications

None known at this stage.

5.2 Finance Implications

None.

5.3 Risk Management Implications

Not responding to legal correspondence in a reasonable timeframe could have an impact on the public perception of the Joint Committee and its role in the administration of Traffic Penalty Tribunal services. A further update on progress against delayed appeals will be communicated to the solicitors acting on behalf of the Mersey Gateway Crossings Board and Halton Borough Council following the meeting of the Sub Executive Committee on 26th October 2021.

6. Access to Information

Any questions relating to this report should be directed to the following officer:

Name: Laura Padden

Job Title: Director

Email: lpadden@patrol-uk.info

CHESHIRE EAST COUNCIL

Minutes of an Informal meeting of the **PATROL Adjudication Joint Committee**

held on 13 July 2021 at The Bishop Partridge Hall, Church House, Dean's Yard, London
SW1P 3NZ

As the meeting was inquorate it went ahead on an informal basis.

Councillors Present:

Councillor Stuart Hughes (Devon County Council) in the Chair

Calderdale MBC - Cllr Colin Hutchinson
Cheshire East Council - Cllr Laura Crane
Dartford BC - Cllr Marilyn Peters
East Herts DC - Cllr David Andrews
Eden DC - Cllr Michael Eyles
Hambleton - DC Cllr Nigel Knapton
Hampshire CC - Cllr Graham Burgess (BLASJC Vice Chair)
IOW Council - Cllr Vanessa Churchman
Reading BC - Cllr Tony Page (BLASJC Vice Chair)
Somerset CC Cllr John Woodman
South Hams DC - Cllr Dan Brown
Tameside MBC - Cllr Peter Robinson
Wigan MBC - Cllr Kevin Anderson

Officers present:

Laura Padden - Director of PATROL
Caroline Sheppard, OBE - Traffic Penalty Tribunal
Sarah Baxter - Cheshire East Council
Iain Worrall - Traffic Penalty Tribunal
Jo Abbot - Advisory Board
Patrick Duckworth - PATROL
Andy Diamond - PATROL

THE FOLLOWING MEMBERS/OFFICERS WERE IN ATTENDANCE VIRTUALLY:-

Councillor John Wilmott - Ashfield DC
Councillor Mark Smith - Blackpool Council
Councillor Steve Davis - Brighton & Hove CC
Councillor Nigel Christian - Carlisle CC
Councillor Tom Blackmore - Cheshire West & Chester Council
Councillor Eileen Lintill - Chichester DC

Councillor Cathy Lugg - Dorset Council
Councillor John Shuttleworth - Durham CC
Councillor Martin Foster - East Lindsey DC
Councillor Daniel Godfrey - East Sussex DC
Councillor Andrew Leadbetter - Exeter City Council
Councillor Marje Paling - Gedling BC
Councillor Richard Cook - Gloucester CC
Councillor Philip Raffaelli - Gosport BC
Councillor Tim O'Kane - Hyndburn BC
Councillor Bob Adams - Lincolnshire CC
Councillor Roger Jeavons - Newport CC
Councillor Margot McArthur - Sevenoaks DC
Councillor Dan Brown - South Hams
Councillor Richard Palmer - Swale BC
Councillor Steve Adshead - Trafford MBC
Councillor Vera Waters - Walsall MBC
Councillor Martin King - Wychavon DC
Councillor Andy D'Agorne - York CC

Officers (Virtual Attendance)

Paul Nicholls Brighton & Hove CC
Erica Maslen PATROL
Stephen Knapp TPT
Graham Addicott, OBE Independent/Advisory Board

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

This item was deferred to the next meeting.

2. Apologies for Absence

Apologies for absence were reported as follows:-

Amber Valley DC, Ashford BC, BATHNES, Birmingham Council, Bradford Council, Bristol CC, Buckinghamshire CC, Bury MBC, Cambridgeshire CC, Cannock Chase DC, Carmarthenshire CC, Chelmsford DC, Chesterfield BC, Conwy Council, Coventry CC, Craven DC, Dacorum BC, Darlington BC, Dudley MBC, East Hants DC, East Herts DC, Fareham DC, Folkestone & Hythe DC, Gateshead Council, Gloucestershire CC, Gwynedd Council, Harlow DC, Hartlepool BC, Havant BC, Hertfordshire CC, Hertsmere BC, Ipswich BC, Kirklees MBC, Kirklees MBC, Mendip Council, Neath Port Talbot CBC, New Forest DC, North Tyneside Council, North Yorks CC, Nottingham City Council, Notts CC, Oldham MBC, Redditch BC, Richmondshire CC, Rochdale BC, Runnymede BC,

Sefton MBC, Slough BC, South Staffs DC, Southampton CC, Southend on Sea BC, Stoke CC, Suffolk CC, Sunderland CC, Surrey CC, Swale BC, Swansea (City and County), Three Rivers DC, Torbay Council, Trafford MBC, Uttlesford DC, Warwickshire CC, Watford BC, Worcester CC

In addition apologies were received from:

Marc Samways	Independent / Advisory Board
Chris Major	BATHNES
Michael Clarke	Stoke City Council

3. Declarations of Interest

There were no declarations of interest.

4. Minutes of the meeting held 16 July 2019

This item was deferred to the next meeting

5. Minutes of the meeting held 28 July 2020

This item was deferred to the next meeting.

6. Minutes of the meeting held 26 January 2021

This item was deferred to the next meeting.

7. Chair's Update

There was no further update given to what had already been presented at the Bus Lane Adjudication Committee which had taken place earlier due to being quorate.

8. Chief Adjudicator's Update

There was no further update given to what had already been presented at the Bus Lane Adjudication Committee which had taken place earlier due to being quorate.

9. Draft Annual Return 2020/21

Due to the meeting being inquorate, urgency powers as outlined in the Constitution were applied and the Chair signed and approved the annual return and the following recommendations contained within the accompanying report:-

1. That the outturn position against the 2020/21 budget, shown at Appendix 1 of the report, be noted.

2. That approval be given to the deficit for the year of £85,772, being taken from the Joint Committee's reserves.
3. That the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2021.
4. That the balance sheet, shown at Appendix 2 of the report and cash flow, shown at Appendix 3 of the report and audit timetable be noted.
5. That the Annual Internal Audit Report 2019/20, shown as Appendix 4 of the report be noted.
6. That approval be given to the recommendation that the Financial Regulations for 2021/22 remain unchanged apart from the change in the name of the Director where applicable, shown as Appendix 5 of the report.
7. That approval be given to the revised Scheme of Financial Delegation, shown as Appendix 7 of the PATROL papers.
8. That approval be given to the recommendation that the Code of Corporate Governance remains unchanged as shown at Appendix 7 of the report.
9. That the Staff Expensed Policy as shown at Appendix 8 of the report be noted.
10. That the Bad Debt Policy as shown at Appendix 9 of the report be approved.

Items common to PATROL and Bus Lane Adjudication Service Joint Committees

- 10 **Establishment of Executive Sub Committee**
This item was informally noted.
- 11 **Report of the PATROL AND BLASJC Resources Working Group and Sub Committee**
This item was informally noted.
- 12 **General Progress Report**
This item was informally noted.
- 13 **Public Affairs Report**
This item was informally noted.
- 14 **Risk Management Strategy and Register**
This item was informally noted.

15 **Review of Governance Documentation**

This item was informally noted.

16 **Appointments to the Advisory Board**

This it was informally noted.

17 **PATROL Annual Reports by Councils (PACER - formerly PARC) Awards – DEFERRED**

That it be noted due to complications with booking the House of Commons for the event, in part due to Covid restrictions, the event had been postponed until October 2021. An alternative venue was currently being sought.

18 **Date of Next Meeting – Proposed as Wednesday 20 October 2021 TBC**

It was informally noted that the date of the next meeting would be **proposed as Wednesday 20 October 2021 however due to ongoing enquires in respect of venues, this is to be confirmed in due course.**

The meeting commenced at 12 noon and concluded at 12.20pm

Councillor Stuart Hughes (Chair)

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Dates: 26th October 2021

Report: Wales Update

1. Civil Parking Enforcement (CPE)

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

2. Moving Traffic Enforcement

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

3. Pavement Parking

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

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

4. Clean Air Zones

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

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

On 15th January 2020 Cardiff Council launched its Transport White Paper setting out a ten-year plan to tackle the climate emergency and improve air quality in the Welsh

capital. This includes the option to introduce a £2 congestion charge by 2024 on all vehicles from outside the city.

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

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

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

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

PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 26th October 2021
Report of: The Director on behalf of the Resources Working Group
Subject/Title: Audit Commission Small Bodies Annual Return for the Year Ended 31 March 2021

1.0 Report Summary

1.1 To report the findings of the external auditors for 2020/2021

2.0 Recommendation

2.1 To note the findings of the external audit for 2020/2021 in the enclosed annual return (Appendix 1).

3.0 Reasons for Recommendations

3.1 Compliance with PATROL Financial Regulations.

4.0 Financial Implications

4.1 Set out in the report

5.0 Legal Implications

5.1 None at this time

6.0 Risk Management

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

7.0 Background and Options

- 7.1 Under Urgency Provisions due to the annual meeting being inquorate, the Chair of the Joint Committee approved the draft annual return for 2020/2021 at its meeting on 13th July 2021.
- 7.2 The Joint Committee approved the appointment of BDO LLP to audit the annual returns of the Joint Committee for the period to 2020/21 at its meeting in January 2019. BDO LLP have provided the external audit function in accordance with the requirements of the Small Bodies Annual Return which is utilised for bodies with an annual turnover of less than £6.5 million. The final audited return is shown at Appendix 1. The external auditors have found that there is one minor issue arising relating to the presence of blank boxes which should be completed with “NIL” or “ZERO” in future. This will be implemented going forward.
- 7.3 There is no requirement for the Joint Committee to publish accounts from 2015/16 onwards however at the Joint Committee meeting in June 2015, it was determined that this would continue for the purposes of transparency
- 7.4 The appointment of auditors for the period 2021/2022 will be considered at the meeting in January 2022.

Joint Committees

Return for the financial year ended 31 March 2021

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

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

Completing your return

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

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

Send the return, together with your bank reconciliation as at 31 March 2021, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to us, BDO LLP, by the due date.

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

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

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

Section 1 – Governance statement 2020/21

We acknowledge as the members of

Enter name of reporting body here: **PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ALLOCATION JOINT COMMITTEE**

Our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2021, that:

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

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

9

Date 13/07/2021

Signed by:

Chair



Signed by:

Clerk



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

Section 2 – Accounting Statements 2020/21 for

Enter name of reporting body here: **PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE**

	Year ending		Notes and guidance Please round all figures to nearest £. Do not leave any boxes blank and report £0 or Nil balances. All figures must agree to underlying financial records.
	31 March 2020 £	31 March 2021 £	
1 Balances brought forward	3,295,442	3,177,772	Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year.
2 (+) Income from local taxation and/or levy			Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body. Excluding any grants received.
3 (+) Total other receipts	3,341,316	2,132,523	Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	2,127,214	1,889,306	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers)), pension contributions and employment expenses.
5 (-) Loan Interest/capital repayments			Total expenditure or payments of capital and interest made during the year on the body's borrowings (if any).
6 (-) All other payments	1,331,742	1,035,034	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7 (=) Balances carried forward	3,177,772	2,385,957	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8 Total cash and short term investments	2,901,016	2,144,525	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation.
9 Total fixed assets plus other long term investments and assets			The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings			The outstanding capital balance as at 31 March of all loans from third parties (including PWLB)

I certify that for the year ended 31 March 2021 the accounting statements in the return present fairly the financial position of the Joint Committee and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

Date 01.07.21

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

13/07/2021

and recorded as minute reference:

9

Signed by Chair of meeting approving these accounting statements:



Section 3 – External Report 2020/21 Certificate

We present the findings from our review of the return for the year ended 31 March 2021 in respect of:

Enter name of reporting body here: **PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE**

Respective responsibilities of the Joint Committee and the reviewer

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

- summarises the accounting records for the year ended 31 March 2021; and
- confirms and provides assurance on various governance matters in accordance with generally accepted good practice

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

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

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

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

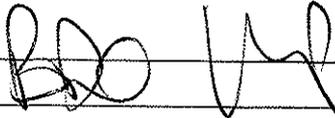
Please see enclosed report

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

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

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

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

Reviewer signature 

BDO LLP

2/9/21

Section 4 – Annual internal audit report 2020/21 to

Enter name of reporting body here: **PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE**

The Joint Committee's internal audit service provider, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2021.

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

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

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

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

Name of person who carried out the internal audit: **Josie Griffiths**

Signature of person who carried out the internal audit: _____ Date: **30/06/2021**

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

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

Guidance notes on completing the 2020/2021 return

1. Make sure that your return is complete (i.e. no empty red boxes), and is properly signed and dated. Avoid making any amendments to the completed return. But, if this is unavoidable, make sure the amendments are drawn to the attention of and approved by the body, properly initialled and an explanation provided to us. Returns containing unapproved or unexplained amendments will be returned and may incur additional costs.
2. Use the checklist provided below. Use a second pair of eyes, perhaps a member of the committee or the Chair, to review your return for completeness before sending it to us.
3. Do not send us any information not specifically asked for. Doing so is not helpful. However, you must notify us of any change of Clerk, Responsible Financial Officer or Chair.
4. Make sure that the copy of the bank reconciliation or letter confirming the balance held on your behalf which you send with the return covers all your bank balances. If the joint committee holds any short-term investments, note their value on the bank reconciliation. We must be able to agree your bank reconciliation to Box 8 on the Accounting statements. You must provide an explanation for any difference between Box 7 and Box 8.
5. Explain fully significant variances in the accounting statements on page 3. Do not just send in a copy of your detailed accounting records instead of this explanation. We want to know that you understand the reasons for all variances. Include a complete analysis to support your explanation.
6. If we have to review unsolicited information, or receive an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which we will make a charge.
7. Make sure that your accounting statements add up the balance carried forward from the previous year (Box 7 of 2020) equals the balance brought forward in the current year (Box 1 of 2021).
8. Do not complete section 3. We will complete it at the conclusion of our work.

Completed	Approved	Reviewed	Reviewed	Reviewed	Reviewed	Reviewed	Reviewed
All sections	All red boxed have been completed?						✓
	All information has been sent with this return?						✓
Section 1	For any statement to which the response is 'no', an explanation is provided?						✓
Section 2	Approval by the body confirmed by the signature of Chair of meeting approving the accounting standards?						✓
	An explanation of significant variations from last year to this year is provided?						✓
Section 4	Bank reconciliation as at 31 March 2021 agrees to Box 8?						✓
	An explanation of any difference between Box 7 and Box 8 is provided?						✓
	All red boxed completed by internal audit and explanations provided?						✓



ISSUES ARISING REPORT FOR
Parking & Traffic Regulations Outside London
Adjudication Joint Committee
Audit for the year ended 31 March 2021

Introduction

The following matters have been raised to draw items to the attention of Parking & Traffic Regulations Outside London Adjudication Joint Committee. These matters came to the attention of BDO LLP during the audit of the annual return for the year ended 31 March 2021.

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

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

Issues Raised

- Minor issues

The following issue(s) have been raised as there are minor errors on the annual return which we wish to draw to the attention of the body so they do not occur again in future years.

Minor issues

What is the issue?

The following issues have been raised as minor issues or omissions have been identified in the current year's Annual Return:

There are empty boxes in the Accounting Statements of the annual return. We do not believe there should be any figures in these boxes but they should include a nil or zero to confirm this.

Why has this issue been raised?

This is to draw these minor errors to the attention of the smaller authority.

What do we recommend you do?

The smaller authority should ensure in future years that the above minor errors or omissions are not included in the Accounting Statements.

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

Not applicable

No other matters came to our attention.

For and on behalf of
BDO LLP

Date:

PATROL and Bus Lane Adjudication Service Joint Committees Resources Working Group

Date of Meeting	26 th October 2021
Report of:	The Director
Subject/Title:	Review of income and expenditure, cost allocation, reserves and the basis for defraying expenses 2021/22

1.0 Report Summary and Recommendation

- 1.1 To inform recommendations to the Executive Sub Committee meeting on 26th October 2021, based on the financial position at end July 2021.
- 1.2 To note the income and expenditure position at 31st July 2021 against the budget and the resulting basis for defraying expenses approved for the year 2021/22 at the meeting of the Executive Sub Committee held 26th January 2021
- 1.3 To note the recommendation for defraying expenses during the second half of 2021/22.

2.0 Reasons for Recommendations

- 2.1 Compliance with financial regulations.
- 2.2 To inform the Risk Register.

3.0 Background and Options

Income and Expenditure

- 3.1 Total Income to July is £176,885 (18.2%) adverse to budget.

Of this £92,877 relates to PCN income achieved and £57,095 to the Recharge of Costs to BLASJC (due to lower than anticipated actual costs incurred, and subsequently recharged). Reported income of £340,730 reflects actual PCNs billed based on returns received.
- 3.2 Forecast Income however, which takes into account an estimate for outstanding returns, predicts that this number will be higher than budget (14.4%). This in part due to a prudent budget. Reported levels are also higher than those for 20/21.

Estimates - PCNs Issued- PARKING

	April 21	May 21	June 21	Q1	July 21	YTD
known	363,343	410,096	420,969	1,194,408	268,163	1,462,571
estimate for o/s	8,680	8,680	9,108	26,468	164,563	191,031
	372,023	418,776	430,077	1,220,876	432,726	1,653,602
20/21	24,766	62,557	187,434	274,757	353,472	628,229
YoY	1402.2%	569.4%	129.5%	344.3%	22.4%	163.2%
					budgeted 1,445,353	var 14.4%

3.3 Expenditure to the end of July 21 is £504,503 underspent against budget (37.7%)

- £267,367 on Adjudicators – primarily relating to recruitment and conferences yet to take place
- £51,984 on Staff – relating to unfilled roles
- £144,550 on Supplies and Services – relating to the following costs not yet incurred – Legal Advice, Annual Report Award, Other Consultants

3.4 The overall position at end July is therefore a deficit of £38,899 against a budgeted deficit of £367,518, a positive variance of £327,618

	Year to Date				Full Year				
	31/07/2021	31/07/2021	31/07/2021	31/07/2021	31/03/2022	31/03/2022	31/03/2022	31/03/2021	
	Year to Date	Budget	Var to Budget	Var to Budget	Forecast Outturn	Full Year Budget	Var to Budget	Prior Year Result	Var to Prior Yr
Income:									
PATROL *	340,730	433,606	-92,877	-21.4%	1,300,819	1,300,819	0	1,028,346	272,473
Recharge for Bus Lane Adjudication Costs	168,838	225,933	-57,095	-25.3%	677,798	677,798	0	412,844	264,954
Road User Charging:									
RUCA (Dartcharge) - Highways England	208,272	216,636	-8,364	-3.9%	649,908	649,908	0	543,578	106,330
RUCA (Mersey Gateway) - Halton Borough Council	61,452	68,413	-6,961	-10.2%	205,240	205,240	0	131,544	73,696
Clean Air Zones	0	20,640	-20,640	-100.0%	0	61,921	0	0	61,921
LFV	1	110	-110	-100.0%	330	330	0	47	283
Bank Interest	1,173	4,000	-2,827	-70.7%	12,000	12,000	0	14,388	-2,388
Sale of Assets	250	0	250	0.0%	0	0	0	1,775	-1,775
Other Income	11,739	0	11,739	0.0%	0	0	0	0	0
Total Income	792,454	969,339	-176,885	-18.2%	2,908,017	2,908,017	0	2,132,522	775,495
Expenditure:									
Adjudicators	263,587	530,954	267,367	50.4%	1,296,859	1,296,859	0	803,931	-492,928
Staff	357,727	409,711	51,984	12.7%	1,229,132	1,229,132	0	1,090,156	-138,976
Premises / Accommodation	7,557	22,867	15,310	67.0%	68,600	68,600	0	203,802	135,202
Transport	6,983	27,167	20,183	74.3%	90,500	90,500	0	14,317	-76,183
Supplies and Services	62,461	207,011	144,550	69.8%	403,019	403,019	0	227,872	-175,147
IT	115,342	120,063	4,721	3.9%	342,188	342,188	0	290,287	-51,901
Services Management and Support	17,330	17,538	208	1.2%	52,632	52,632	0	51,600	-1,032
Audit Fees	1,367	1,547	180	11.7%	4,641	4,641	0	4,100	-541
Contingency	0	0	0	0.0%	0	0	0	0	0
Total Expenditure	832,353	1,336,856	504,503	37.7%	3,487,571	3,487,571	0	2,686,065	-801,506
Surplus / (Deficit)	-39,899	-367,518	327,618		-579,554	-579,554	0	-553,543	-26,011
Breakdown of Surplus	-39,899	-367,518	327,618	-89.1%	-579,554	-579,554	0	-553,543	-26,011
PATROL *	-87,532	-286,279	198,748	-69.4%	-481,127	-481,127	0	-636,717	636,717
Halton Borough Council	12,484	-21,397	33,881	-158.3%	-26,796	-26,796	0	4,655	-4,655
Highways England	35,148	-59,841	94,990	-158.7%	-71,632	-71,632	0	78,520	-78,520

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

3.5 Of the deficit of £39,899 a surplus of £12,484 is ring-fenced to Halton BC and a surplus of £35,148 ring-fenced to Highways England. This leaves a deficit year to date of £87,532 to PATROL

3.6 PATROL Reserves to date are summarised as follows:

	To Date	Budget	Var to Budget
Reserves b/f from 19/20	3,177,774	3,177,774	0
Surplus / (Deficit) for year 20/21	-553,543	-553,543	0
Surplus / (Deficit) for year 21/22	-39,899	-367,518	327,618
Closing Balance	2,584,332	2,256,713	327,618
<i>Approved Reserves</i>	1,912,104	1,912,104	0
	672,228	344,609	327,618
less:			
HE to date	163,668	68,678	94,990
MG to date	31,202	-2,679	33,881
PATROL FREE Reserves to Date	477,357	278,610	198,748

PATROL has a balances of £477,537 FREE Reserves at end July 21, against a budgeted FREE Reserves position of £278,610. This is an improved position of £198,748.

4.0 Defraying Expenses for the remainder of 21/22

The PATROL budget and the resulting basis for defraying expenses was approved for the year 2021/22 at the meeting of the Executive Sub Committee held 26th January 2020. This was approved at a rate of 30 pence per PCN, with a review part way through the financial year.

It is recommended that, in view of continued uncertainty regarding the effects of the pandemic, this rate remains unchanged but that we continue to monitor and report performance highlighting any concerns.

5.0 Access to Information

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

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

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

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

1.0 Report Summary

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

2.0 Recommendation

- 2.1 That each Joint Committees establishes an Executive Sub-Committee to act on behalf of the Committee until the annual meeting in July 2022, in accordance with paragraph 2 and Appendix 1 to this report, and that it appoints members of the Executive Sub-Committee for the forthcoming year.
- 2.2 Notes the date of the first meeting of the Executive Sub Committees will be on 14th October 2021 in London.
- 2.3 Notes that reasonable travel expenses may be claimed for attending Executive Sub Committee meetings in accordance with the policy at Appendix 2.

3.0 Reasons for Recommendations

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

4.0 Financial Implications

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

5.0 Legal Implications

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

6.0 Risk Management

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

7.0 Background and Options

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

- 7.2 As the number of Councils joining the Joint Committees increases, one way of avoiding the need for large numbers of members attending all the committee meetings is to establish an Executive Sub-Committee. Both the PATROL and Bus Lane Adjudication Service Joint Committee Standing Orders enable the Joint Committees to appoint such Sub-Committees as they see fit.
- 7.3 Any Terms of Reference for such Sub-Committees need to be agreed by the Joint Committees as and when each Sub-Committee is established.
- 7.4 Many of the day to day functions of the Joint Committees have already been delegated to officers. Some of the functions that have not been delegated have been examined and it is considered that if the Joint Committee so decides, an Executive Sub-Committee could deal with most of these non-delegated functions without the need for the full Committee to meet.
- 7.5 In particular there is a requirement in both the PATROL and Bus Lane Adjudication Service Joint Committee Agreements for the Joint Committees by 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-Committees are detailed in the Appendix to this report.
- 7.7 The size of the Executive Sub-Committees is recommended by officers to comprise a minimum of twelve in number for PATROL, including the Chair of the Joint-Committee and at least one each representing District, County, Unitary, Metropolitan councils and at least one from an English authority and one from a Welsh authority. The recommended minimum number for the Bus Lane Adjudication Service Joint Committee Executive Sub Committee is three.

APPENDIX 1

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

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

1. Financial Matters

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

2. Human Resources

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

3. Advisory Board

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

4. New Council members to the PATROLAJC and BLASJC Agreements

Noting new council members.

5. Ad hoc delegations

The Joint Committee may from time to time make specific delegations to the Executive Sub Committees to progress business. The results of such delegations will be reported to the Joint Committee at its next meeting. The Executive Sub Committee may from time to time delegate actions to the PATROLAJC and BLASJC Resources Working Group and Sub Committee.

6. Chairs of the Executive Sub Committees

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

APPENDIX 2: POLICY FOR MEETING MEMBERS' TRAVEL EXPENSES

Introduction

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

Proposed Policy

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

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

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

Train Travel

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

Claiming expenses

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

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

Contact details:

accounts@patrol-uk.info

or

Accounts
PATROL
Merlin House
8 Grove Avenue
Wilmslow
SK9 5EG

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

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

GUIDE TO MEMBERS CLAIMING TRAVEL EXPENSES 2021-22 DRAFT

Introduction

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

Train Travel

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

Travel to railway station

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

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

Claiming expenses

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

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

Review

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

Member Claim Form

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

TRAIN TRAVEL	Start	Finish
Address / Station		
TOTAL CLAIMED £		

Please make payment by: Bank transfer (BACS) Cheque

Account Number: _____

Sort Code: _____

Bank & Branch Name: _____

Make cheques payable to: _____

Postal address: _____

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

Office use only:

Total Claimed £	
Checked By and Date	

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

Date of Meeting: 26th October 2021
Report of: The Director on behalf of the PATROL and BLASJC Resources Working Group
Subject/Title: Report of the PATROL and BLASJC Resources Working Group meetings held since the meeting of the Executive Sub Committees in January 2021.

1.0 Report Summary

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

2.0 Recommendations

2.1 To note the matters discussed at the meetings since the Executive Sub Committee in January 2021.

2.2 To approve the Resources Working Group and Sub Committee overseeing matters highlighted in the report and reporting back to the next meeting of the Joint Committees or their Executive Sub Committees

3.0 Reasons for Recommendations

3.1 To update the Joint Committees

4.0 Financial Implications

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

5.0 Legal Implications

5.1 None

6.0 Risk Management

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

7.0 Background and Options

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

- 7.2 The Resources Working Group comprises the Chairs of the Joint Committee and representatives from the Joint Committees' Advisory Board. The Resources Sub Committee comprises the Members.
- 7.3 During the Covid-19 pandemic, the Chairs of the Joint Committees have been appraised of the impact of reduced income on cash flow and the need to drawdown from the reserves from previous years in accordance with the Joint Committees' Reserves Policy.
- 7.4 The Resources Working Group have been consulted in the decision to service notice on the current lease at the Wilmslow office in response to a move to increased remote working and the planned introduction of a smaller office hub following a staff consultation. Adjudicators already work remotely.
- 7.5 At its meetings on 9th March and 24th June 2021, the Resources Working Group received a report from the Five Year Review Group including the retirement of Louise Hutchinson and the appointment of the new PATROL Director, Laura Padden who was introduced to members at the Executive Sub Committee Meeting. At its meeting of 26th September 2021. The Resources Working Group were notified of the Chief Adjudicator's plans to retire on 31st March 2022. The Five Year Review Group and the Resources Working Group approved the appointment of Hays Executive as the Recruitment Agency to commence the campaign for a Chief Adjudicator. They also approved a potential handover period from January 2022 – March 2022.
- 7.6 The Five Year Review Group is tasked with reviewing the resource requirements of the Traffic Penalty Tribunal and PATROL in the light of anticipated opportunities and challenges over the period 2020-25.
- 7.7 The Resources Working Group reviewed the financial recommendations being made to this meeting together with:
- a) The annual review of the terms of reference for the PATROL and BLASJC Resources Working Group and Sub Committee.
 - b) The reporting of the Traffic Penalty Tribunal's statistics for 2020/2021.
 - c) Received a Public Affairs Update and resolved that a summary report is presented to the Joint Committees.
 - d) Received an update on the introduction of Clean Air Zones from 2021 and outlined the activities undertaken to prepare for their associated appeals.
 - e) Considerations for the review of resources required to meet obligations over the next five years.
 - f) Draft agendas, financial and governance reports for the Joint Committee meetings including reviewing the risk register.
 - g) Arrangements for reimbursing member travel expenses for attendance at Joint Committee meetings and review of staff expense guidelines.
 - h) Procurement falling outside the Joint Committee's financial regulations.
 - i) Resolved to defer this year's PACER Awards ceremony until October 2021 due to issues with securing a venue because of the coronavirus pandemic, and to note the change of name from the PARC Awards to PACER Awards (Promoting Awareness of Civil Enforcement through Reporting) to reflect the expanding areas of civil enforcement.
- 7.8 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and report to the next meeting of the Joint Committees or their Executive Sub Committees.

8.0 Recommendation

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

Appendix 1

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Resources Working Group and Sub Committee

Terms of Reference 2021/2022

Membership:

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

Meetings:

As and when required.

Delegation

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

- (a) Any financial, governance or other matter that the Joint Committee or its Executive Sub Committee determines to delegate to the Resources Working Group to take forward between meetings as far as this does not contravene existing standing orders and governance arrangements and falls within the approved budget.
- (b) Progressing any urgent financial or governance matter including risk items relating to audit recommendations, which fall between Joint Committee and its Executive Meetings as raised by the Chairman or Director on the basis that this falls within the approved budget.
- (c) Accepting tenders for the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract on the basis that they fall within the approved budget or relate to earmarked reserves.

- (d) Noting the recommendations from low-level internal audit reports and monitoring any follow up actions
- (e) Noting reports from the Director on expenditure falling outside the Joint Committee's Financial Regulations.
- (f) Approving human resource proposals which fall outside the delegation from the Joint Committee and Lead Authority to the Director save for those relating to Adjudicators which are delegated to the Chief Adjudicator on the basis that they fall within the approved budget.

Review

These terms of reference will be presented to the Joint Committee on an annual basis.

Approved June 2015

Approved July 2016

Approved July 2017

Approved July 2018

Approved July 2019

[Approved July 2020]



General Progress Report

1 April – 31 August 2021

1. Appeals summary

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

1.1. PCNs appealed: All appeal streams

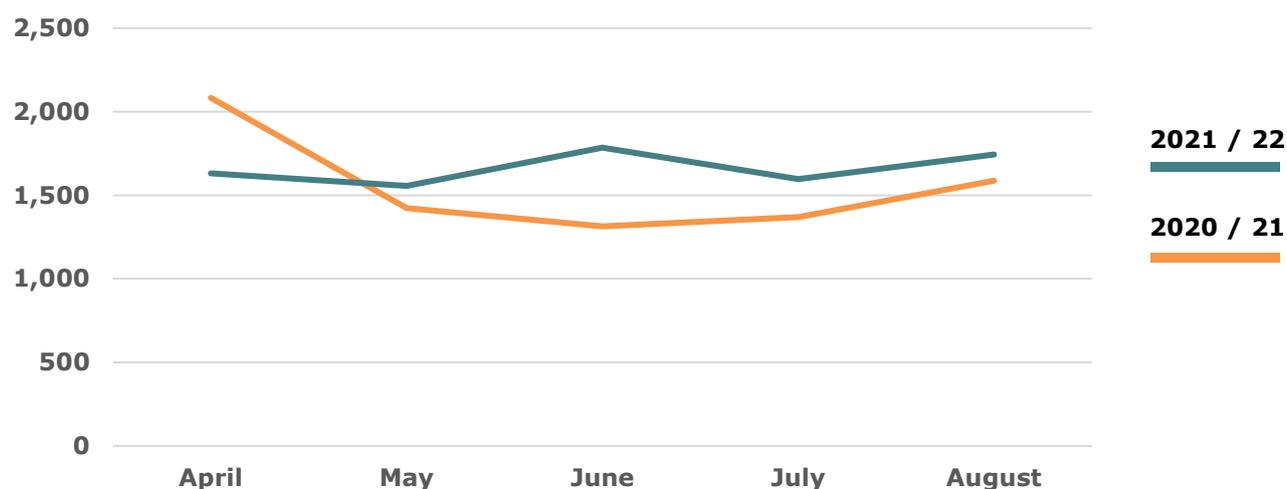
The below table and graph show all PCNs appealed to the Tribunal from 1 April – 31 August this year (2021/22) against the same period in the year 2020/21. The figures for 2021/22 show a 6.9% increase Year-on-Year (YOY).

	2020/21	2021/22
April	2,083	1,632
May	1,422	1,556
June	1,314	1,785
July	1,369	1,596
August	1,588	1,743
TOTAL	7,776	8,312 (+6.9% YOY)

While the figures for this year show a small increase on last year, they still reflect an average ~45% decrease in the number of PCNs appealed to the Tribunal compared to 2018/19 and 2019/20. This can be attributed to the onset of COVID-19 restrictions in early 2020 and the subsequent changes in driver behavior as a result of the pandemic.

With the first Clean Air Zone appeals starting to be submitted to the Tribunal from May this year and with moving traffic enforcement powers set to be granted to local authorities in England (outside London) from December 2021, a significant increase in appeal numbers is expected by the end of 2021/22.

FIG 1: PCNs appealed: All appeal streams
(Apr–Aug 2021/22 vs. 2020/21)



1.2. PCNs appealed: Specific appeal streams

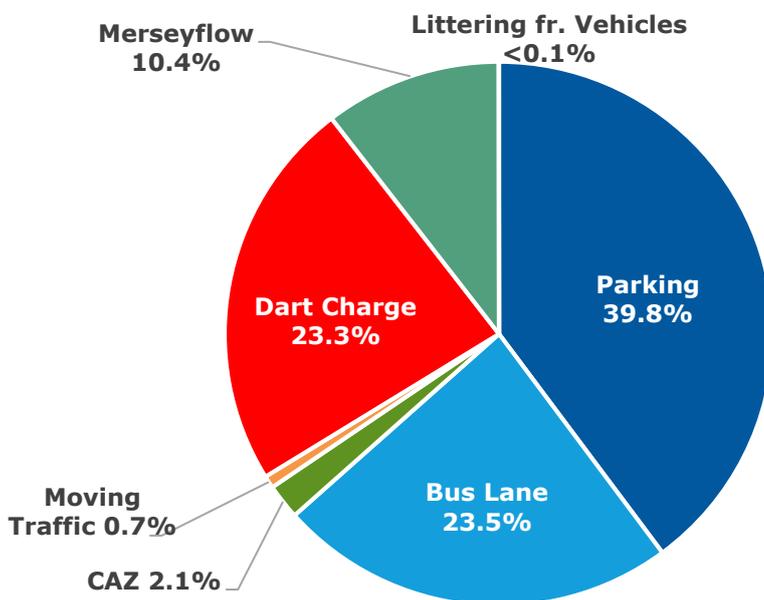
The below table breaks down all PCNs appealed to the Tribunal by separate appeal stream between 1 April – 31 August this year (2021/22). Totals for the same period in 2020/21 are included for comparison, together with the percentage increase or decrease Year-on-Year (YOY).

2021/22								
	Parking	Bus Lane	Clean Air Zone	Moving Traffic	Dart Charge	Merseyflow	Durham RUCZ	Littering fr. Vehicles
April	623	341	0	19	401	248	0	0
May	603	348	10	13	348	234	0	0
June	710	431	1	8	446	189	0	0
July	704	402	8	13	362	106	0	1
August	672	435	155	8	382	91	0	0
TOTAL	3,312	1,957	174	61	1,939	868	0	1
Totals for Apr–Aug 2020/21	2,851	1,138	N/A	66	2,971	750	0	0
	+16.2% YOY in 2021/22	+72.0% YOY in 2021/22	N/A	-7.6% YOY in 2021/22	-34.7% YOY in 2021/22	+15.7% YOY in 2021/22	~ YOY in 2021/22	∞ YOY in 2021/22

Enforcement started at the first Clean Air Zones (CAZs) from March, with the first appeals seen from the Bath CAZ (which launched in March) submitted to the Tribunal in May and those from the Birmingham CAZ (which launched in June) submitted in August. Further zones are expected to launch in 2021/22 (see Page 4).

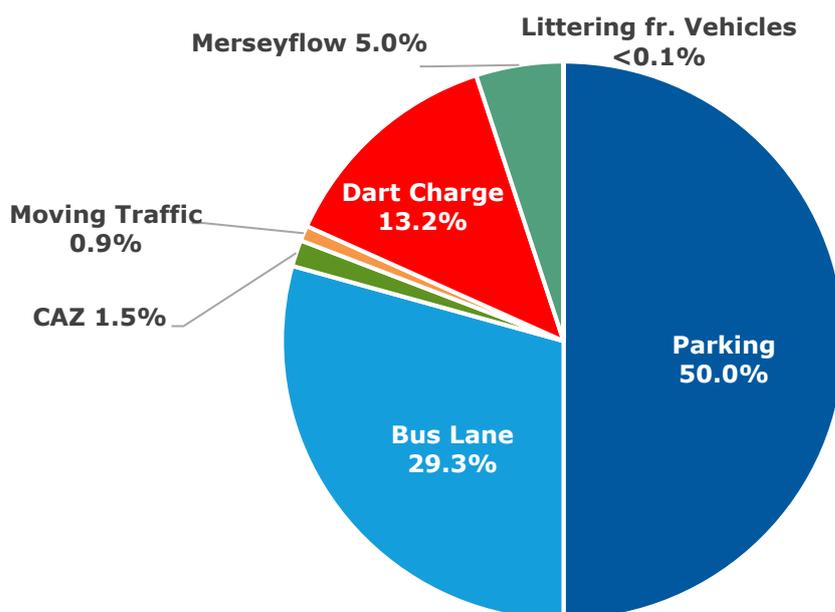
The pie chart below shows the types of appeal stream as a percentage of the total number of **PCNs** appealed to the Tribunal this year (2021/22).

FIG 2: PCNs appealed by appeal stream, as percentage of total (Apr–Aug 2021/22)



The pie chart below shows the types of appeal stream as a percentage of the total number of **cases** appealed to the Tribunal this year (2021/22). Cases may consist of more than one PCN, particularly with road user charging schemes.

FIG 3: Cases by appeal stream, as percentage of total (Apr–Aug 2021/22)



1.3. PCNS appealed: England

The below table provides a breakdown of PCNs appealed to the Tribunal from 1 April – 31 August this year (2021/22), which were issued from English Parking, Bus Lane and Clean Air Zone (CAZ) schemes, as well as from Littering from Vehicles enforcement and the Durham Road User Charge Zone ('Congestion Charge').

2021/22 – England					
	Parking	Bus Lane	CAZ	Littering fr. Vehicles	Durham RUCZ
April	589	334	0	0	0
May	560	338	10	0	0
June	675	426	1	0	0
July	646	401	8	0	1
August	594	429	155	0	0
TOTAL	3,064	1,928	174	1	0
Totals for Apr–Aug 2020/21	2,623	1,094	N/A	0	0
	+16.8% YOY in 2021/22	+76.2% YOY in 2021/22	N/A	∞ YOY in 2021/22	~ YOY in 2021/22

Enforcement started at the first CAZs from March, with the first appeals seen from the Bath CAZ (which launched in March) submitted to the Tribunal in May and those from the Birmingham CAZ (which launched in June) submitted in August.

Further CAZs are expected to launch in 2021/22, including: Portsmouth (November 2021); Oxford (Zero Emission Zone, later in 2021); Bradford (January 2022); Greater Manchester (May 2022); Newcastle, Gateshead and North Tyneside (July 2022), and Bristol (Summer 2022).

1.4. PCNs appealed: Wales

The below table provides a breakdown of PCNs appealed to the Tribunal from 1 April – 31 August this year (2021/22), which were issued from Welsh Parking, Bus Lane and Moving Traffic schemes.

2021/22 – Wales			
	Parking	Bus Lane	Moving Traffic
April	34	7	19
May	43	10	13
June	35	5	8
July	58	13	1
August	78	6	8
TOTAL	248	41	49
Totals for Apr–Aug 2020/21	228	44	66
	+8.8% YOY in 2021/22	-6.8% YOY in 2021/22	-25.8% YOY in 2021/22

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

and

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

The below table provides a breakdown of PCNs appealed to the Tribunal from 1 April – 31 August this year (2021/22), which were issued from the Dart Charge and Merseyflow schemes.

2021/22		
	Dart Charge	Merseyflow
April	401	248
May	348	234
June	446	189
July	362	106
August	382	91
TOTAL	1,939	868
Totals for Apr–Aug 2020/21	2,971	750
	-34.7% YOY in 2021/22	+15.7% YOY in 2021/22

2. Hearings

2.1.

In the last few months, the TPT has undertaken a wholesale review of the processes around hearings, with the objectives of:

- allowing those Appellants and Authorities who are able and wish to connect themselves to hearings to do so (particularly in the wake of the pandemic, with people now more familiar with using videoconferencing platforms)
- improving the Appellant and Authority user experience and communications for hearings scheduling
- streamlining TPT administrative procedures for scheduling, booking and connecting hearings.

The project was started with a particular eye on the likely increased case loads to come from appeals from Clean Air Zone schemes, which launched in March 2021, and local authorities in England (outside London) being granted moving traffic enforcement powers (expected from December 2021).

2.2.

New processes as a result of the hearings project include:

- establishing a survey for Appellants who have had a hearing (sent two days after their hearing has taken place), with questions focused on understanding more about their experience of the arrangements, as well as the connection process and other audio / visual aspects
- a move to all hearings taking place over the Microsoft Teams videoconferencing platform. Appellants and Authorities are able to connect via a web link to the hearing (choosing to have their video on or off) – either through the Teams app or standard internet browser – or simply ‘call in’ via a telephone
- a completely revised suite of communications, including emails from the TPT online appeals system, a new email calendar appointment and ‘How-to’ guide, as well as new internal administrative processes
- a new online availability tool for Adjudicators to inform the Customer Liaison team when scheduling hearings.

2.3.

Since the new processes were implemented in May 2021, 60% of Appellants are now self-connecting to their hearings.

The timescales for scheduling hearings have also reduced significantly. For cases that involve a hearing, as of the end of August:

- a hearing date is now being scheduled by the Customer Liaison team within seven days of Appellants requesting one in 97% of cases.
 - in the month immediately prior to the new processes being implemented (April 2021), hearings were being arranged within seven days in only 53% of cases, with an average of in 70% of cases throughout 2019 (the last ‘normal’ operating year before COVID disruption).
- hearings are taking place within 28 days of the request being made in 90% of cases.
 - in the month immediately prior to the new processes being implemented (April 2021), hearings were being arranged and held within 28 days in only 56% of cases, with an average of in 70% of cases in 2019 (the last ‘normal’ operating year before COVID disruption).

In addition, the TPT Customer Liaison team have recorded a notable reduction in outgoing phone calls to arrange hearings, as they are now being listed based on the broad availability an Appellant indicates within the online system, without the need for follow-up calls in most cases.

Finally, since the post-hearing surveys started to be sent out to Appellants in May 2021, 440 survey links have been shared, with an average response rate of 26% – this is significantly higher than the 10-15% average expected of an external survey. The team are monitoring the insights from the survey, which will be used to continue improving the service.

2.4.

The table below shows a breakdown of the decision methods that were selected by appellants between 1 April and 31 August 2021/22 – hearing types, together with e-Decisions (where a case is decided by an Adjudicator without a hearing, based on the evidence and communications submitted within the online system). Figures for the same period in 2020/21 are shown for comparison.

Breakdown of decision method				
	TOTAL Cases	e-Decision	Telephone Hearing	Video Hearing
2021/22 (Apr–Aug)	5,831	5,036 (86.4% of total)	595 (10.2% of total)	200 (3.4% of total)
2020/21 (Apr–Aug)	13,307	11,918 (89.6% of total)	1,343 (10.1% of total)	46 (0.3% of total)

Please note that references to ‘Telephone Hearing’ and ‘Video Hearing’ in the table above reflect the system choices available to Appellants when requesting a hearing in the online appeals system. Following the transition to all hearings now being carried out over Microsoft Teams, however – and with the ability for an Appellant to choose whether to turn their video camera on and off during the hearing (if connecting via a web link) – these terms are now interchangeable in practice.

3. Proxy cases

3.1.

While over 95% of all appeals to the TPT are submitted online, the TPT Customer Liaison team supports appellants who cannot or prefer not to submit their appeal online.

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

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

3.2.

The average number of cases dealt with by proxy per month is currently **4.47%**.

4. Case closure

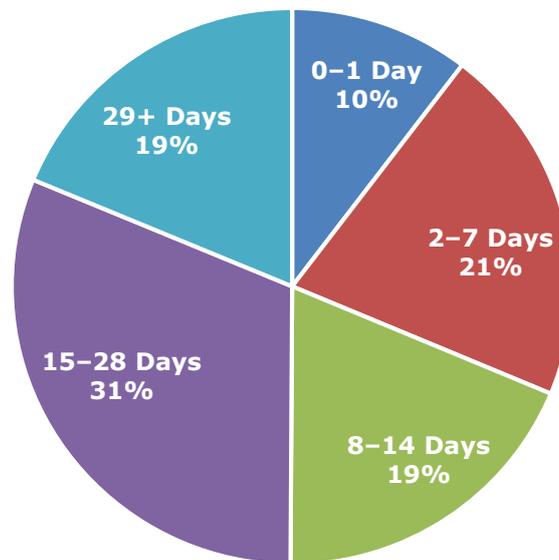
4.1.

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

4.2.

The pie chart below shows appeal case closure times from 1 April to 31 August this year (2021/22).

FIG 4: Case closure times (all decisions)
(Apr–Aug 2021/22)



- **10.38%** of cases were resolved in 0–1 day
- **20.95%** within 2–7 days
- **18.81%** in 8–14 days
- **31.19%** in 15–28 days
- **18.76%** in 29 days+

For comparison, case closure figures from a similar reporting period last year (April – August 2020) can be seen below:

- **6.20%** of cases were resolved in 0–1 day
- **19.61%** within 2–7 days
- **8.68%** in 8–14 days
- **10.85%** in 15–28 days
- **54.68%** in 29 days+

5. Live Chat

5.1.

Live Chat is a real-time digital communication channel (within office hours) available for Appellants to contact the TPT Customer Liaison team for case-related enquiries. It is accessible from within the online appeals system and from the TPT website.

5.2.

Live Chat enhances the TPT's 'Assisted Digital' offer by being a useful support channel for appellant queries when creating their cases online. TPT Customer Liaison staff can:

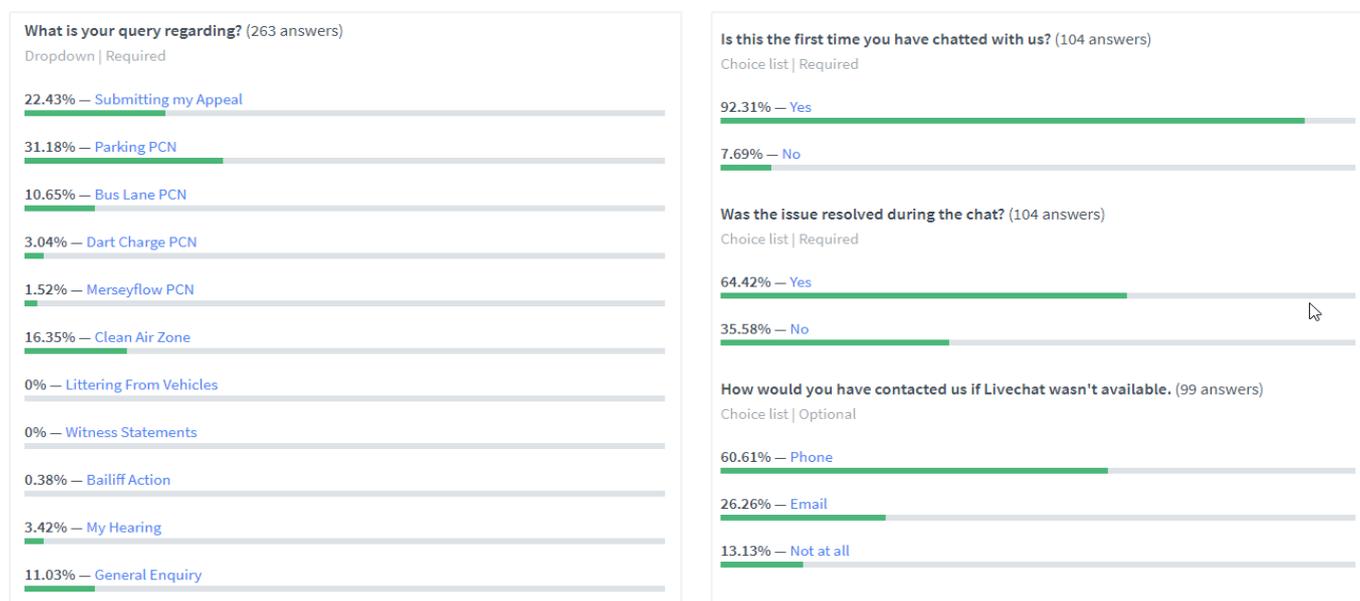
- add links to the chats, which can take appellants to the exact page they need to be in FOAM
- see the website pages the appellant has already viewed, and whether they already have a case.

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

5.3.

Between April – August 2021, there have been a total of **455 Live Chats**, with an average satisfaction rate of **91%**. Insights from these chats are presented below.

FIG 5: Survey responses
(Apr–Aug 2021/22)



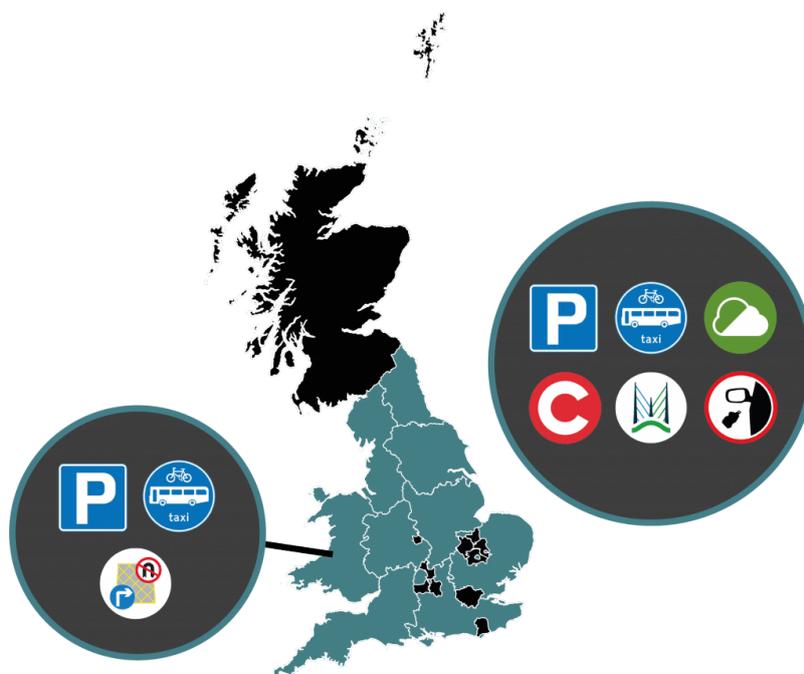
Appendix: TPT Background

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

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

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

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



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

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

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

Date of meeting: 26th October 2021

Report of the Director

PATROL

Public Affairs Update: September 2021

1. PATROL meetings

- The meeting of the Executive Sub Committee will take place on Tuesday 26 October at County Hall, London. The change of venue is due to Church House, our usual venue, being unavailable on the day.
- The next meeting of the Resources Working Group will take place on Thursday 23 September via Microsoft Teams.

2. Current traffic management issues

a. Pavement Parking

- **Wales:** The Welsh Government announced in July that pavement parking is set to be banned in Wales 'wherever possible'. The policy forms part of the Government's new legislative programme, which will also see an introduction of a new 20mph default speed limit in residential areas. PATROL continues to support the Welsh Government, as required, on its implementation of pavement parking enforcement measures.
- **England (outside London):** PATROL continues to await an update from the Department for Transport (DfT) following its recent consultation:

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

b. Moving Traffic Powers in England (outside London)

English authorities outside London to be granted powers from December

Baroness Vere, Parliamentary Under Secretary of State at the Department for Transport (DfT) – whose portfolio includes roads and buses has confirmed that the Government will grant moving traffic powers to authorities in England (outside London) from December this year. This will be achieved through the full implementation of the Part 6 powers of the *Traffic Management Act 2004*.

- A set of regulations giving effect to the Part 6 powers will be published from December.
- Tony Page, Chair of the PATROL Bus Lane Adjudication Service Joint Committee (BLASJC) wrote to the Minister in July to propose a solution to help expedite the implementation by fast-tracking the powers to authorities already enforcing bus lane restrictions.
- The Department subsequently issued an Advice Note to local authorities on how to prepare their applications for acquiring the new powers, including a set of prerequisites that are expected to be met before applications are submitted.
- It is anticipated that Designation Orders granting powers to the first tranche of authorities that apply will be put to Parliament before the end of March 2022.

c. The Parking (Code of Practice) Act 2019: Private Parking

- The Ministry of Housing, Communities and Local Government (MHCLG)'s latest consultation on private parking (*Private parking charges, discount rates, debt collection fees and appeals charter: further technical consultation*: <https://www.gov.uk/government/consultations/private-parking-charges-discount-rates-debt-collection-fees-and-appeals-charter-further-technical-consultation/private-parking-charges-discount-rates-debt-collection-fees-and-appeals-charter-further-technical-consultation>) concluded on 27 August 2021.
- PATROL submitted a response to the consultation, which can be accessed at: https://www.patrol-uk.info/wp-content/uploads/2021/09/Private-parking-charges-discount-rates-debt-collection-fees-and-appeals-charter_PATROL-Response_270821.pdf.
- PATROL will continue to engage with MHCLG to keep abreast of the consultation outcome and be of any further assistance throughout the Department's planned 'discovery' phase, which will include an assessment of potential providers of the planned appeals service.

d. Responding to the challenge of Electric Vehicles (EVs)

- **PATROL EV Online Workshop, Tuesday 2 November:** PATROL is hosting an online workshop on EV charging provision, taking place Tuesday 2 November at 10am over Microsoft Teams.
 - The workshop will welcome a series of speakers from inside Government, local authorities and stakeholder organisations, as well as the Traffic Penalty Tribunal for an enforcement and appeals perspective, providing a holistic view on the emerging landscape surrounding the adoption of EV charging.
 - Registrations for the workshop can be made at: <https://www.eventbrite.co.uk/e/electric-vehicles-conference-leading-the-charge-ii-tickets-168551296465>

- **23 July – Research report – *Building a comprehensive and competitive electric vehicle charging sector that works for all drivers*:** The Competition and Markets Authority has completed its market study into electric vehicle charging in the UK and has published its final report. Access the report at: <https://www.gov.uk/government/publications/electric-vehicle-charging-market-study-final-report>

- **19 August – Office for Zero Emission Vehicles (OZEV)’s latest statistics on EV charging infrastructure:** <https://www.gov.uk/government/collections/electric-vehicle-charging-infrastructure-statistics>

- **9 September – Transport Secretary encourages UK to switch to electric vehicles:** A new government-backed app will help drivers to see which electric vehicles best suit their lifestyle: <https://www.gov.uk/government/news/transport-secretary-encourages-uk-to-switch-to-electric-vehicles>

e. The Highway Code

- **30 July – Government response to the review of The Highway Code consultation:** The DfT has published a response to its recent consultation on a review to the Highway Code, where proposals included the introduction of a hierarchy of road users, clarifying pedestrian and cyclist priority, and establishing safer overtaking. Read the Department’s response at: <https://www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-road-safety-for-cyclists-pedestrians-and-horse-riders>

- **14 September – Updates made to the Highway Code:** <https://www.gov.uk/guidance/the-highway-code/updates>

f. Other recent Departmental news, consultations, publications and

statements of interest

- **DfT**
 - **30 July: *Research exploring people's attitudes towards traffic, road use and low-traffic neighbourhoods in England***
<https://www.gov.uk/government/publications/public-attitudes-towards-traffic-and-road-use>
 - **30 July: *Review into the progress made towards achieving the goals of the Gear Change walking and cycling plan***
<https://www.gov.uk/government/publications/gear-change-one-year-on-review>
 - **30 July: *£338 million package to further fuel active travel boom***
<https://www.gov.uk/government/news/338-million-package-to-further-fuel-active-travel-boom>

- **Defra**
 - **3 September: *New round of Air Quality Grants for local authorities opens to benefit communities and reduce the impact of polluted air on people's health***
<https://www.gov.uk/government/news/9-million-fund-for-local-authorities-to-tackle-air-pollution>

- **MHCLG**
 - **5 September: *Government launches public consultation to make outdoor measures for high streets permanent***
<https://www.gov.uk/government/news/government-launches-public-consultation-to-make-outdoor-measures-for-high-streets-permanent>

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

- The first Clean Air Zone (CAZ) launched in the city centre of Bath on 15 March 2021, with Birmingham following on 1 June (though enforcement was delayed during the initial launch period).
- As of the end of August 2021, the Tribunal has received 174 CAZ appeals. A Traffic Penalty Tribunal Adjudicator's report on the first CAZ cases is currently being prepared and will be published in the near future.
- PATROL has created a Clean Air Zone Implementation Forum to encourage local authorities, at different stages of implementing CAZ or Zero Emission Zone (ZEZ) schemes, to share their experiences and learnings with each other in a dedicated meeting. The next meeting will be held on

Overview of confirmed local authority CAZ plans (as of w.c. 13 September 2021)

Location	Zone class	Current status
Bath		<ul style="list-style-type: none"> • Zone launched 15 March 2021.
Birmingham		<ul style="list-style-type: none"> • Zone launched for 1 June 2021.
Portsmouth		<ul style="list-style-type: none"> • Launch expected from November 2021.
Oxford		<ul style="list-style-type: none"> • Pilot zone in heart of city centre expected later in 2021; possible wider extension in 2022.
Bradford		<ul style="list-style-type: none"> • Launch expected from January 2022.
Manchester (Greater Manchester Combined Authority)		<ul style="list-style-type: none"> • Launch expected from May 2022.
Newcastle, Gateshead and North Tyneside		<ul style="list-style-type: none"> • Launch expected from July 2022.
Bristol		<ul style="list-style-type: none"> • Launch expected from Summer 2022

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

PATROL PACER Awards

Promoting Awareness of
Civil Enforcement through Reporting

Awards ceremony set to take place on Monday 25 October

- The House of Commons event for the 2021 PACER Awards is booked for Monday 25 October, 4–6pm. The ceremony will be subject to a significantly reduced capacity due to COVID-19 policies.
- The independent PATROL PACER Review Group has now chosen the award-winning Annual Report entries (2019/20 reports) this year. The Review Group members are: Jo Abbott, Communications Manager, RAC Foundation (Retired); David Leibling, Transport Consultant and Matt Jones, Parking Services Manager at Lincolnshire County Council (overall winning authority in last year's awards).
- Winning authorities, together with award winners from last year's event will be invited to the awards ceremony in October. A communication regarding the winning reports and invites will be sent out as soon as planning for the event is finalised.
- Huw Merriman, MP for Bexhill and Battle and Chair of Transport Committee, is confirmed to speak at the event and present the awards.

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

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES
Executive Sub Committees

Date of Meeting: 26th October 2021

Report of: The Director in consultation with Resources
Working Group

Subject/Title: Risk Register

1. Report Summary

The report presents the current assessment of risk.

2. Recommendation

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

3. Reasons for Recommendations

To report on arrangements for identifying, managing and reporting risk

4. Financial Implications

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

5. Legal Implications

None

6. Risk Management

Provides a framework for risk management.

7. Background and Options

The Risk Register is set out at Appendix 1

8. Access to Information

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

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

Appendix 1

Risk Management Framework

1. Introduction

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

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

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

A strong risk framework:

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

2. Corporate Risks

The Joint Committee summarises its risk appetite as follows:

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

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

Risk Matrix

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

3. Background to Corporate Risks:

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

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

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

The objectives of PATROL include:

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

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

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

4. Review

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

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

Risk Register 2021/2022

Date Last Reviewed: 17th September 2021

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

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

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

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

1.0 Report Summary

1.1 This report presents governance documentation and arrangements for review.

2.0 Recommendations

2.1 That the Joint Committees:

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

26th October 2021 Executive Sub Committee
25th January 2022 Executive Sub Committee
12th July 2022 Annual Joint Committee

3.0 Reasons for Recommendations

3.1 To fulfil the governance requirements of the Joint Committee.

4.0 Financial Implications

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

5.0 Legal Implications

5.1 Set out in the report.

6.0 Risk Management

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

7.0 Background and Options

7.1 In June 2013, the Joint Committees approved changes to the agreements following the change of Host Authority to Cheshire East Council. The Joint Committee obtained approval from the required 75% of participating councils and the new agreement took effect on 3 December 2014.

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

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

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

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

Appendix 2

PATROL and BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

Delegations to the Director

Introduction

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

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

“Lead Authority” means Cheshire East Council.

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

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

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

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

1. General

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

2. Financial

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

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

- To monitor the budget
- Approve final accounts and
- Review internal and external audit recommendations.

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

3. Land and Property

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

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

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

4. Miscellaneous

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

5. Human Resources

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

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

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

- 5.16 Determination of applications for early retirement in consultation with the Lead Authority's Head of Personnel and the Joint Committees and with the prior agreement of the Lead Authority unless the Joint Committees provides an indemnity in a form approved by the Lead Authority's Head at Legal Services against any liability incurred by the Lead Authority as a result of the decision.
- 5.17 To discipline, suspend and/or dismiss staff
- 5.18 Authority to assimilate staff on appointment, promotion or regarding where s/he thinks appropriate within the approved grade having regard to all circumstances.
- 5.19 The Director may not exercise any of the powers in this paragraph 5 if to do so would confer a benefit on the Director.

6. Support to the Joint Committee and Advisory Board

- 6.1 To convene meetings of the Advisory Board and keep the attendance record of such meetings in accordance with the Terms of Reference agreed by the Joint Committees.
- 6.2 To convene meetings and arrange for the preparation of agendas and reports, sending out of the same and giving notice of the meeting of the Joint Committees and any Executive Sub Committees, Sub Groups or Working Groups including:
- Receiving requisitions for meetings
 - Receiving notices of items for agendas from Participating Authorities
 - Receiving notifications from deputations
 - Cancelling or postponing any meeting in consultation with the chairman prior to the issue of the agenda or subsequently if there is no business to be transacted or in other exceptional circumstances
 - Receiving notification of a Participating Authority's substitute for a meeting
 - Arranging for the minutes of the meeting to be taken
- [Note: *for the avoidance of any doubt the Lead Officer will also be able to convene meetings of the Joint Committees*]
- 6.3 To deal with urgent business of Joint Committees after consulting the Chairman or Vice Chairman.
- 6.4 Record declarations and matters of interest of Joint Committees Members and Officers.
- 6.5 (a) To arrange for the giving of advice and support to the Joint Committees in legal matters. Where external advice is sought which will

also affect the Lead Authority written instructions will be provided to the lawyers and those instructions will be agreed with the Head of Legal Services of the Lead Authority.

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

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

7. **Legal**

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

Appendix 1

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Delegation to Chief Adjudicator

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

MEMORANDUM OF UNDERSTANDING

between

Adjudicators of the Traffic Penalty Tribunal

and

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

November 2012

Reviewed and approved at Joint Committee June 2014

Reviewed and approved at Joint Committee June 2015

Reviewed and approved at Joint Committee July 2016

Reviewed and approved at Joint Committee July 2017

Reviewed and approved at Joint Committee July 2018

Reviewed and approved at Joint Committee July 2019

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MEMORANDUM OF UNDERSTANDING

1. Introduction

This Memorandum of Understanding (MOU) is between:

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

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

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

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

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

2. Shared Aims

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

3. Overriding Principles

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

4. The Statutory Framework

- 4.1 The relationship between the Adjudicators and the joint committees is derived from and governed by the Traffic Management Act 2004 (TMA) and Transport Act 2000 (TA) and the regulations made under those two Acts which:
- a) establish the office of Adjudicator for parking, bus lane, moving traffic and road user charging appeals.
 - b) prescribes the roles and responsibilities of the Adjudicators and the Joint Committees
- 4.2 PATROL has been established to enable councils undertaking civil parking enforcement in England and Wales and civil bus lane and moving traffic enforcement in Wales to exercise their functions under:
- a) section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
 - b) section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
 - c) The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 [S.I. 2013 No. 1783]
 - d) The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) (Amendment) Regulations 2014 [S.I. 2014 No. 81]

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

Regulation 12 of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 provides that Adjudicators appointed by virtue of Regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 by the Joint Committee are the adjudicators for determining road user charge appeals. For schemes outside Greater London the adjudicators are the ones appointed by the PATROL joint committee. The 2013 Adjudication regulations currently apply to the Dartford-Thurrock and Mersey Gateway Crossings. From January 2020 they will also apply to road user charging appeals arising from penalties issued by Charging Authorities in connection with Charging Clean Air Zones. Regulation 13 requires the charging authorities to meet the expenses incurred in supporting the adjudicators in performing their functions, including providing a 'proper officer'.

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

4.3 Where charging authorities are not members of the Joint Committee, the arrangements set out in 4.2 will be underpinned by a Memorandum of Understanding.

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

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

4.5. The functions of PATROL and BLASJC are:

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

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

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

The Joint Committees’ functions also include:

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

4.3 The Regulations also provide that:

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

5. Chief Adjudicator

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

- a) There is a need for a de-facto Chief Adjudicator and Deputy Chief Adjudicator

- b) The Joint Committees shall designate two of the Adjudicators to be the Chief Adjudicator and Deputy Chief Adjudicator.
- c) The role and responsibilities of the Chief Adjudicator and Deputy Chief Adjudicator are set out at Appendix 1 and 2 and shall include all aspects of judicial leadership and management including the following functions that the Joint Committee have delegated to the Chief Adjudicator:
 - i) With the consent of the Lord Chancellor, the making of and reappointment of the part-time Adjudicator appointments, for a period not exceeding 5 years. Such appointments to be sufficient to meet the needs of the service, as appropriate.
 - ii) The determination of the terms and conditions applying to Adjudicators having regard to principles established for such judicial appointments and conduct by the Lord Chief Justice and Lord Chancellor.
 - iii) The determination of where Adjudicators shall sit.

It is also for the Chief Adjudicator:

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

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

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

6. Salaried Adjudicators

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

7. Judicial Leadership, Management and Discipline Functions

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

8. Removal of Adjudicators

- 8.1 An Adjudicator may only be removed from office for misconduct or if unable or unfit to discharge his or her functions (s 81 (2) (d) Traffic Management Act 2004).
- 8.2 The procedure for removal is specified in the Adjudicators' terms of appointment and has been delegated by the Joint Committees to the Chief Adjudicator.

9. Appeals and Judicial Matters

- 9.1 Appeals are made to the Adjudicators and are their responsibility. They have a duty to ensure that appeals are dealt with in accordance with the requirements of Article 6 of the European Convention on Human Rights for a fair and public hearing within a reasonable time.
- 9.2 Judicial matters are entirely the responsibility of the Chief Adjudicator and Deputy Chief Adjudicator to determine. These include:
- a) Monitoring and appraisal of Adjudicators' competencies
 - b) Adjudicator training
 - c) Dealing with judicial complaints and discipline
 - d) Allocation of cases
- 9.3 The following are also matters for the Chief Adjudicator and Deputy Chief Adjudicator to determine:
- a) Administrative procedures
 - b) Training requirements for Adjudicators
 - c) Communications strategy
- 9.4 The Joint Committees would expect to be consulted to the extent that 9.2 have budgetary implications.
- 9.5 The Chief Adjudicator and Deputy Chief Adjudicator may delegate functions for the expeditious operation of the tribunal.

10. Lead Officer

- 10.1 The PATROLAJC and BLASJC Agreements make provision for the appointment of a Lead Officer to whom functions are delegated pursuant to that Deed of Arrangement and the Standing Orders of the Joint Committees
- 10.2 In view of the nature of the relationship between the Adjudicators, Joint Committees and the Lead Authority, the expectation is that the Joint Committees will request the Chief Executive of the Lead Authority to nominate the Head of Service (Director) as Lead Officer who amongst the functions delegated to the role will be expected to:
- a) Be responsible for the administration of the Joint Committees and the Traffic Penalty Tribunal and provide for the Adjudicators on behalf of the Joint Committees, the accommodation, administrative staff and facilities. The Lead Officer has no remit to influence the decisions of the Adjudicators.
 - b) Be responsible for ensuring that the Adjudicators requirements as set out in the Memorandum of Understanding with the Joint Committees are met within the Financial Regulations of the Joint Committee.

- c) Work in partnership with the Chief Adjudicator, Deputy Chief Adjudicator and other senior managers as part of the Joint Senior Management Team to ensure the vision, aims and objectives of the tribunal are achieved
- d) Provide strong and strategic leadership to manage the support function for the Adjudicators to deliver an efficient service that ensures all appeals are held within legal requirements and performance criteria.
- e) Manage the Service Level Agreement with the Lead Authority on behalf of the Joint Committees.

11. Accommodation, administrative staff and facilities

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

- a) Recruitment
- b) Training
- c) Line Management
- d) Appraisal
- e) Disciplinary procedures, including considering complaints, grievances etc.

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

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

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

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

12. Defraying the expenses of the Tribunal

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

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

13. Advisory Board

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

14. Lead/Host Authority

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

15. Review Mechanism

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

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

CHIEF ADJUDICATOR ROLE

Introduction

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

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

Appendix 2

DEPUTY CHIEF ADJUDICATOR ROLE

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

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



Fig 1. Provision of Services to Adjudicators



Fig 2. Governance Structure

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

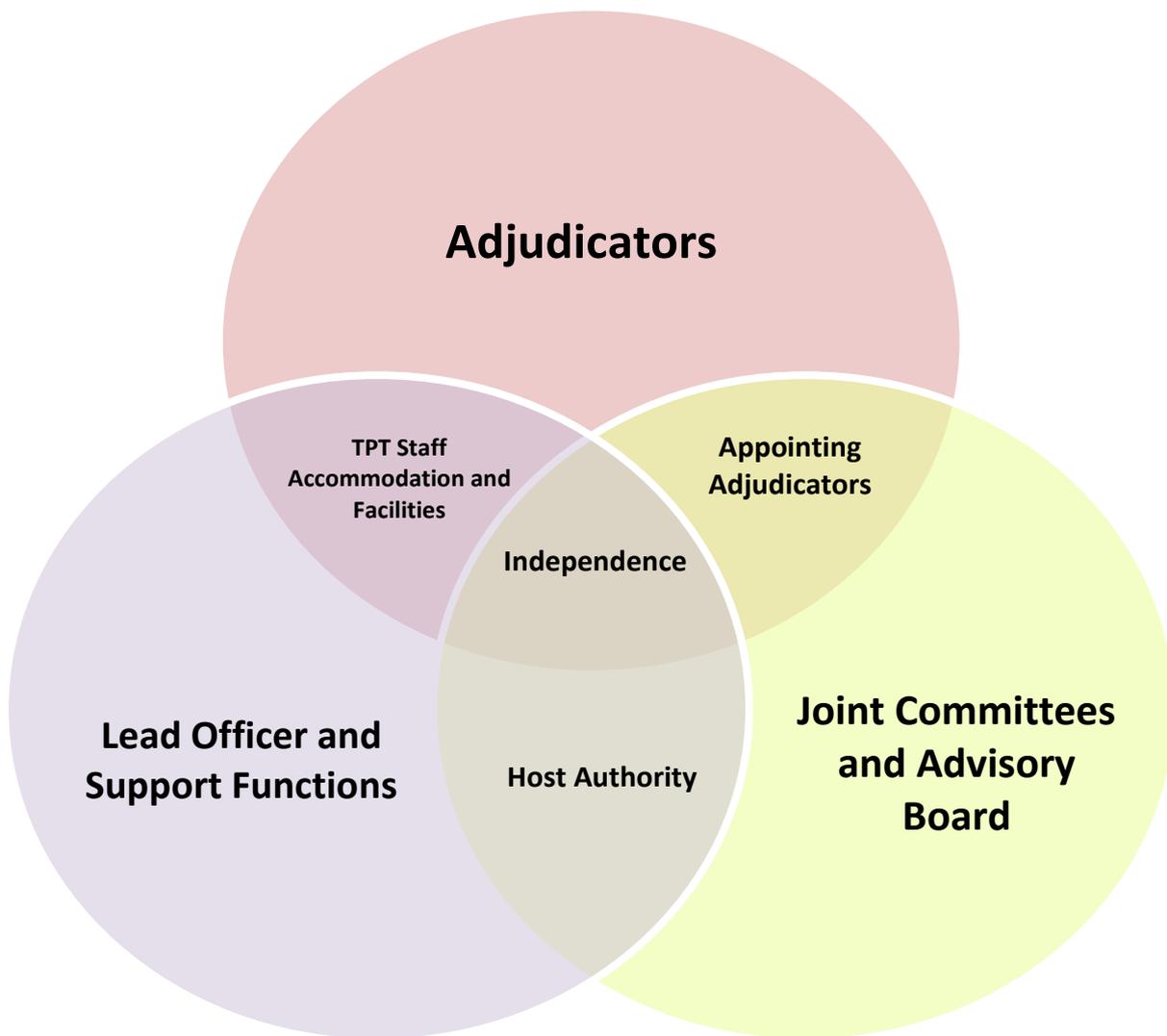


Fig 3. Overview of Joint Committee Relationships

PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 26th October 2021

Report of: The Chief Adjudicator
Adjudicator Recruitment and Retirement

1.0 Report Summary

1.1 To note the proposal to undertake a competition (recruitment) of adjudicators in the year 2022/2023 and to make no change to mandatory retirement age for adjudicators.

2.0 Recommendation

2.1 To note the intention to undertake recruitment of adjudicators (depending on circumstances at that time) in 2022/2023, with a particular focus on succession planning, broadening tribunal opportunities across the generations and increasing access to judicial appointments to people from diverse and underrepresented backgrounds.

2.2 This will help to ensure there are sufficient numbers of adjudicators to handle an anticipated uplift in the volume of appeals due to the introduction of new schemes and legislation that applies to authorities outside of London.

2.2 To make no change to the Joint Committees' mandatory retirement age of Traffic Penalty Tribunal Adjudicators to make opportunities available across the generations and ensure that proactive succession planning is in place.

3.0 Reasons for Recommendations

3.1 To ensure compliance with legislation and ensure that the tribunal has sufficient numbers of adjudicators to undertake increasing volumes of appeals.

3.2 To ensure that there is fairness across the generations in accessing judicial opportunities available at the Traffic Penalty Tribunal.

3.3 To increase diversity amongst the adjudicator cohort and to ensure that minority groups are represented.

4.0 Financial Implications

4.1 A detailed business case, which includes an analysis of the costs associated with the competition, will be discussed with the Five Year Review Group and Resources Sub Executive Committee as part of budget planning for the financial year 2022/2023.

7.0 Background and Options

- 7.1 New and emerging enforcement schemes, such as moving traffic powers, pavement parking enforcement in Wales and Clean Air Zones have the potential to increase the number of appeals at the Traffic Penalty Tribunal over the coming years.
- 7.2 Although the exact volumes are unknown and are difficult to forecast, it is essential to undertake preparations for the potential increase in appeals by ensuring that there is an adequate number of adjudicators available to decide appeals.
- 7.3 A recent study of adjudicators' views, undertaken by NOUS Group, identified succession planning as key concern amongst current adjudicators. There is a need to ensure that succession planning is robust and ensures the extensive knowledge accumulated by adjudicators is secured for future cohorts and promotes fairness in access to opportunities across the generations.
- 7.3 The Ministry of Justice recently concluded a public consultation, which proposed to increase the mandatory judicial retirement age from 70 to 75 years for Judges, Magistrates and Coroners. This is necessary for other courts and tribunals services as caseload forecasting suggests that there are not enough judges to handle the HMCTS workload, exacerbated by the Coronavirus pandemic, resulting in an unprecedented backlog.
- 7.3 The Ministry of Justice intends to make a multi-million pound investment into the recruitment of new judges over the next five years with the intention of increasing diversity and to ensure that suitably qualified candidates can progress to the next stage of their career. This funding is not available to PATROL to undertake adjudicator recruitment.
- 7.4 Adjudicators at the Traffic Penalty Tribunal are required to be a qualified barrister or solicitor with a minimum of five years' post qualification experience. This means the potential field of candidates for judicial appointments at the tribunal is broad and is an ideal starting position for recently qualified lawyers. The digital and flexible nature of undertaking these duties also makes it an attractive appointment to obtain for those who are seeking part-time roles to widen their experience or who can only work outside of typical office hours. These factors make the Tribunal an ideal appointment for adjudicators interested in career progression.
- 7.5 The Tribunal would also benefit from a recruitment exercise that encouraged applications from a wide range of candidates from underrepresented backgrounds as adjudicators determine appeals across England and Wales from appellants living and working in diverse communities.
- 7.6 A proposal to outline plans for a competition for new adjudicators and succession planning will be taken to the Five Year Review Group and the Resources Sub Executive Committee during the planning of the budget for the 2022/2023 financial year.

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Date of Meeting: 26th October 2021

Report of: The Director on behalf of the Advisory Board

Subject/Title: Appointments to the Advisory Board

1.0 Report Summary

1.1 This report sets out the terms of reference for the Advisory Board and recommendations for appointments for 2021/2022

2.0 Recommendation

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

2.2 Approves the following:

- a) The appointment of Michael Clarke of City of Stoke on Trent to the Advisory Board for a period of four years until the Joint Committees' annual meetings in July 2025.
- b) The extension of Graham Addicott OBE as an Independent Member to July 2022.

3.0 Reasons for Recommendations

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

4.0 Financial Implications

4.1 The budget makes provision for the Advisory Board

5.0 Legal Implications

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

6.0 Risk Management

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

7.0 Background and Options

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

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

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

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

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

Appendix 1

PATROL AND Bus Lane Adjudication Service Joint Committees' Advisory Board

Terms of Reference

1. To assist and advise the Joint Committees on the overall policies and strategies for administering the adjudication service and on their responsibilities under
 - section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
 - section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
 - Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).
 - Regulation 18 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

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

2. The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.
3. To receive and monitor progress against the Performance Management Strategy produced by the Director and to review the service structure, organisation and administration and to scrutinise recommendations for changes before they are put before the Joint Committees.
4. To monitor and review the service revenue budgets and to scrutinise recommendations for changes before they are put before the Joint Committees.
5. To assist and advise the Director on the preparation of an annual service plan

6. The Board shall consist of always the Lead Officer plus up to eleven people:
- Seven representatives of local authorities as follows:
 - - At least one representing an English Authority
 - At least one representing a Welsh Authority
 - At least one representing a District Council
 - At least one representing a County Council
 - At least one representing a Unitary or Metropolitan Council
 - At least one representing a Civil Bus Lane Enforcement Council.
 - A representative from the Department for Transport (road user charging).
 - A representative from a motoring association.
 - An independent person with knowledge of judicial or tribunal systems.
 - An independent consumer representative

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

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

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

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

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

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

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

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

Appointments and four-year cycle

Local Authority Members

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

July 2021

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

Hampshire	Marc Samways	English Shire
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July 2023

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

July 2024

B&NES Council	Chris Major	Clean Air Zones
Brighton & Hove City Council	Paul Nicholls	Unitary Authority
Carmarthenshire Council	Richard Waters	Welsh Authority

Welsh Government Member

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

Department for Transport Member

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

Independent Member

The Joint Committee has appointed Graham Addicott OBE, as the independent member for a four-year period ending July 2021. The Joint Committee is asked to approve an extension until July 2022.

Motoring Organisation Member

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

Bus Lane Member

The Bus Lane Joint Committee has appointed Michael Clarke of City of Stoke on Trent.

Recommendations

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

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