

PATROL Adjudication Joint Committee Executive Sub Committee

Agenda

Date: Tuesday 28th January 2020
Time: 11.00 am
Venue: Bishop Partridge Hall, Church House, Dean's Yard,
Westminster, London SW1P 3NZ

1. **Apologies for Absence**

To receive apologies for absence.

2. **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.

3. **Minutes of the meeting held on 29 October 2019** (Pages 1 - 8)

To approve the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held on 29 October 2019.

4. **Chair's Update**

To provide an update on developments since the meeting in October 2019.

5. **Wales Update** (Pages 9 - 10)

To receive a report on civil traffic enforcement in Wales.

6. **Budget Monitoring 2019/20** (Pages 11 - 16)

To note income, expenditure and reserves at 30 November 2019 together with the projected outturn at 31 March 2020.

7. **Revenue Budget for 2020/21** (Pages 17 - 24)

To establish the Joint Committee's Revenue Budget for 2020/21.

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8. **Reserves Policy Statement** (Pages 25 - 30)

To approve the reserves policy statement for 2020/21.

9. **Annual Investment Strategy** (Pages 31 - 32)

To approve the annual investment strategy 2020/21.

10. **Defraying the Expenses of the Joint Committee 2020/21** (Pages 33 - 36)

To approve the basis for defraying the expenses of the Joint Committee 2020/21.

Items common to PATROL and Bus Lane Adjudication Service Joint Committee

11. **Traffic Penalty Tribunal General Progress Report** (Pages 37 - 52)

To provide information in respect of the Traffic Penalty Tribunal's activities and initiatives.

12. **PATROL and BLASJC Resources Working Group and Sub Committee**
(Pages 53 - 54)

To report on the PATROL and BLASJC Resources Working Group and Sub Committee's meeting held on 7 January 2020.

13. **Public Affairs Overview** (Pages 55 - 86)

To note the update in relation to a range of public affairs matters.

14. **Risk Management Framework** (Pages 87 - 92)

To note the latest review of the Risk Register.

15. **Date of Next Meeting**

14th July 2020 Church House, Westminster.

The meeting on 14th July 2020 will be followed by a Member workshop after lunch commencing 1.15pm and concluding at 2.15. The Parking Annual Reports by Councils (PARC) Awards take place later that afternoon at the House of Commons between 4 and 6pm.

Minutes of a meeting of the

**PATROL Adjudication Joint Committee
Executive Sub Committee**

held on Tuesday, 29th October, 2019 at Bishop Partridge Hall, Church House,
Westminster, SW1P 3NZ

PRESENT

Councillor Stuart Hughes (Devon County Council) in the Chair

Councillors

Councillor Chris Turrell - Bracknell Forest Council
Councillor Gary Wilkinson - Brighton & Hove City Council
Councillor Colin Hutchinson - Calderdale Metropolitan Borough Council
Councillor Terry Douris - Dacorum Borough Council (Assistant Chair)
Councillor Marilyn Peters - Dartford Borough Council
Councillor Mike Eyles - Eden District Council
Councillor Nigel Knapton - Hambleton District Council
Councillor Phil Bibby - Hertfordshire County Council
Councillor Vanessa Churchman - Isle of Wight Council
Councillor Bob Adams - Lincolnshire County Council
Councillor Roger Jeavons - Newport City Council
Councillor Peter Davis - Oldham Metropolitan Borough Council
Councillor Tony Page - Reading Borough Council
Councillor Dan Brown - South Hams District Council
Councillor Lee Wanger - Stoke on Trent City Council
Councillor Ian Shenton - Stratford on Avon District Council
Councillor Geoff Driscoll - Uttlesford District Council
Councillor Martin King - Wychavon District Council (Vice Chair)

Officers in attendance

Marc Samways – Chair, Advisory Board (Hampshire County Council)
Graham Addicott OBE – Vice Chair, Advisory Board
Paul Nicholls – Advisory Board (Brighton & Hove City Council)
David Crowder - Brighton & Hove City Council
Steve Simpson - Brighton & Hove City Council
Louise Hutchinson - PATROL
Erica Maslen - PATROL
Sarah Baxter – Cheshire East Council
Andy Diamond - PATROL

19 APOLOGIES FOR ABSENCE

Apologies were received from:-

Brighton & Hove City Council (Councillor Anne Pissaridou), Bath and North East
Somerset Council, Bolton Metropolitan Borough Council, City of Bradford Council,

Carmarthenshire County Council, Charnwood Borough Council, Coventry City Council, Dartford Borough Council, Durham County Council, East Hertfordshire District Council, Gedling Borough Council, Hampshire County Council, Havant Borough Council, Sevenoaks District Council, Somerset County Council, Sunderland City Council, Walsall Council, Wirral Council and York City Council and Caroline Sheppard OBE, Chief Adjudicator, Traffic Penalty Tribunal.

20 DECLARATIONS OF INTEREST

There were no declarations of interest.

21 MINUTES OF THE MEETING HELD 29 JANUARY 2019

RESOLVED

That the minutes held on 29 January 2019 be approved as a correct record and signed by the Chairman subject to it being noted that Adjudicator Appointment Renewal of Caroline Sheppard OBE only related to her appointment as an Adjudicator and not to her role as Chief Adjudicator.

22 MINUTES OF THE MEETING HELD 16 JULY 2019

RESOLVED

That the minutes of the meeting held on 16 July 2019 be noted.

23 CHAIRS UPDATE

The Chairman reported that following the July meeting the PATROL PARC Awards took place at the House of Commons and many Members attended this very enjoyable occasion. It was an opportunity for Members of PATROL to celebrate the steps that member authorities had taken to increase public understanding of the objectives of traffic management and the role of civil enforcement through greater transparency in reporting.

Huw Merriman MP for Bexhill and Battle, a member of the Transport Committee, kindly hosted the event in the Thames Pavilion. During a keynote speech to the audience, he commended local authorities for the work they did through traffic management initiatives that ensured their community spaces were well managed and enjoyable places to live and interact.

Other MPs in attendance included Lilian Greenwood (Chair of Transport Committee); Esther McVey; Wendy Morton, Hugo Swire and Daniel Zeichner (Member of Transport Committee).

Rishi Sunak, the then Minister at the Ministry for Housing Communities and Local Government gave a video address on the importance of transparency and thanked the Chief Adjudicator, Caroline Sheppard OBE for sharing her experiences of civil enforcement and appeals which would be of assistance as his department moved to implement the Parking (Code of Practice) Act 2019. His Senior Policy Adviser, Sarah McLean, explained the steps that were being taken to improve the user experience in private parking and appeals and to learn from what worked well in civil enforcement and appeals. Congratulations were given

to the winning and shortlisted authorities. Some PR coverage of the event had been circulated to Members today.

Many Local Authorities parking teams would be in the process of preparing their reports for 2018/19. Louise would later be providing a view of the new online annual report toolkit which had been circulated to local authorities to help them prepare reports. The deadline for annual report submissions for the next PARC Awards was Friday 31st January 2020. There would be a new focus to the judging of those reports with more information becoming available in the near future.

The toolkit was launched during the round of local authority regional workshops which had been taking place around England and Wales, some Councillors had also attended these. There continued to be positive feedback and the fact that PATROL assisted with travel expenses meant that more officers were able to attend and share experiences and discuss best practice.

Since the last meeting the Transport Committee had published its report on Pavement Parking, which would be touched on later in the meeting and now Wales was considering the steps it could take to tackle this issue.

Another important issue for a large number of member authorities was not having the power to enforce moving traffic contraventions. There were indications that the Secretary of State for Transport was considering looking at this once more and PATROL would engage with any review and compliment other approaches from, for instance, the LGA.

The Traffic Management landscape was becoming ever more complex and with this in mind the Resources Group were looking at how the Traffic Penalty Tribunal and PATROL could prepare for the next five years in terms of having sufficient skills and resources in place. Clean Air Zones would be coming on stream next year and resources were being reviewed in the light of this.

The tribunal remained at the forefront of digital justice and had been a case study in many conference and publications and the Director would be updating the Committee today on this and tribunal matters generally since the meeting in July 2018. Professor Richard Susskind had published a book in September in which the Traffic Penalty Tribunal had been cited as a case study.

RESOLVED

That the update be noted.

24 WALES UPDATE

The Director of PATROL referred Members to the paper and reported that the Assistant Chair (Wales), Councillor James of Carmarthenshire County Council had given his apologies for the meeting but that Councillor Jeavons was in attendance from Newport City Council.

RESOLVED

That the update be noted.

26 AUDIT COMMISSION SMALL BODIES ANNUAL RETURN FOR THE YEAR ENDED 31 MARCH 2019

Consideration was given to a report on the findings of the external auditors for 2018/19.

The Joint Committee had approved the appointment of BDO LLP to audit the annual returns of the Joint Committee for the period 2018/19 to 2020/21 at its meeting in January 2019. BDO LLP provided the external audit function in accordance with the requirements of the Small Bodies Annual Return which was utilised for bodies with an annual turnover of less than £6.5 million.

The final audited return was shown at Appendix 1 and the external auditors found that there were no issues arising.

On behalf of the Joint Committee, the Chairman expressed his thanks to Erica Maslen and her finance team for all their hard work in ensuring a successful external audit.

RESOLVED

That the findings of the external audit for 2018/19 in the enclosed annual return (Appendix 1) be noted.

27 BUDGET MONITORING, REVIEW OF RESERVES AND THE BASIS FOR DEFRAYING EXPENSES 2019/20

Consideration was given to a report on the income, expenditure and reserves monitoring information for the year to 30 September 2019.

RESOLVED

1. That the income and expenditure position at 30 September 2019 be noted.
2. That the information in respect of the current and forecast reserves position be noted.
3. That the options for the basis for defraying expenses for the year 2019/20 be reviewed and determined. The Resources Working Group and Sub Committee reviewed these options at their meeting on 15th October and recommended Option 2.

28 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE

Consideration was given to a report on the outcomes of a meeting of the PATROL and BLASJC Resources Working Group and Sub Committee held on 15 October 2019.

RESOLVED

1. That the matters discussed at the meeting held on 15 October 2019 be noted.

2. That approval be given to the Resources Working Group and Sub Committee to oversee matters highlighted in the report and that the Working Group and Sub Committee report back to the next meeting of the Joint Committees or their Executive Sub Committees.

29 PUBLIC AFFAIRS UPDATE

A report was presented which touched on a number on a number of public affair issues was provided in relation to:

- a) Pavement Parking
- b) Civil Bus Lane Guidance
- c) Camera enforcement and cycle lanes
- d) Future of Mobility: Urban Strategy
- e) Joint response to Law Commission / Scottish Law Commission Automated Vehicles: A joint preliminary consultation paper
- f) Moving Traffic Powers
- g) Littering from Vehicles
- h) Clean Air Zones
- i) Consultation on penalties for engine idling
- j) The Parking (Code of Practice) Act 2019
- k) Debt collection practices
- l) House of Commons PARC Awards (Parking Annual Reports by Councils) Reception, 16th July 2019
- m) Simplifying the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 Government Response
- n) Building an evidence based picture of enforcement in England (outside London) and Wales

The Director of PATROL highlighted the key recommendations and conclusions from the Transport Committee in respect of the Committee's inquiry into pavement parking. Members attention was also drawn to the Local Government Association's report on the Traffic Management Act Part 6.

Congratulations were offered to Brighton & Hove City Council who were overall winners in respect of the PARC awards which had taken place on the 16 July 2019. The shortlisted councils were all to be commended for their efforts in improving public information on civil enforcement.

In addition, Members receive a presentation by the Director of PATROL which gave Members an insight into PATROL's Annual report toolkit. Focused within the presentation were six steps to success including information on setting the scene, parking as a service, innovation and new developments, education, enforcement and appeals, transparency in finance and embracing digital.

Further to this Members watched a short video of PATROL's PARC awards as well as footage of Newcastle City Council's winning entry for the award for Outstanding Digital Format.

RESOLVED

That the update be noted.

30 **APPOINTMENT TO THE ADVISORY BOARD**

Consideration was given to a report seeking the approval for the inclusion of and nomination to a new position on the Advisory Board representing Charging Clean Air Zones (CCAZ).

RESOLVED

1. That the inclusion of a new position on the Advisory Board representing CCAZ authorities be approved.
2. That the nomination of Emma Slater of Leeds City Council to that position for a period of four years to July 2023 be approved.

31 **RISK REGISTER**

Consideration was given the Risk Management Framework. The report provided a summary of the most significant threats facing the Joint Committees which may prevent or assist with the achievement of its objectives.

RESOLVED

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

32 **GENERAL PROGRESS REPORT**

Consideration was given to a report providing a summary of the Traffic Penalty Tribunal appeals activity for the period 1 April to 30 September 2019.

In respect of page 173 of the report it was noted that reference was made to a three-month period. This was an error and should have referred to a six-month period.

Two additional local authority workshops were to be held, one in Wales and in England.

In respect of a previous item on the agenda it was queried as to whether or not drivers could be able to challenge private parking fines through PATROL. It was noted that a further update on the implementation of a single appeals service arising from the introduction of the Parking (Code of Practice) 2019 Act would be provided at the meeting in January.

RESOLVED

That the matters be noted.

33 **DATES OF NEXT MEETINGS**

It was reported that the next two meetings would take place at Church House, Westminster as follows:-

28 January 2020

14 July 2020

The meeting commenced at 11.00 am and concluded at 12.32 pm

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PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting 28 January 2020

Subject/Title: 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. 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 like speeding restrictions, increasing the number of zero emission buses on the Cardiff network, improving taxi licensing policy to set minimum vehicle emission standards, accelerating Park & Ride programmes and improving and promoting the uptake of low-emission vehicles by investing in Cardiff's electrical charging infrastructure.

However, in August 2019 the Welsh government asked the authority to undertake further modelling to 'better assess the potential' of a charging CAZ to meet compliance.

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.

The authority chose not to include a charging Clean Air Zone (CAZ) after an independent survey commissioned to forecast future NO₂ pollution levels in the city identified just one street (Castle Street) where EU legal limits are likely to be breached in future years. The Welsh government accepted that the new plan will achieve the legal requirement for nitrogen dioxide (NO₂) and deliver a 'marked and sustained' reduction in emissions.

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 two Air Quality Management Areas.

4. Pavement Parking

The Welsh Government has established a Taskforce Group 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 parking. The Taskforce Group includes representation from PATROL, Traffic Penalty Tribunal, a number of Welsh local authorities and other interested parties. PATROL will update member authorities in Wales as the work of the Taskforce Group progresses.

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting	28 th January 2020
Report of:	The Director on behalf of the Resources Working Group and Sub Committee
Subject/Title:	Budget monitoring and review of reserves at 30 th November 2019

1.0 Report Summary

- 1.1 To present income, expenditure and reserves monitoring information for the year to 30th November 2019.

2.0 Recommendation

- 2.1 To note the income and expenditure and reserves at 30th November 2019.

3.0 Reasons for Recommendations

- 3.1 Compliance with Financial Regulations

4.0 Financial Implications

- 4.1 Set out in the report.

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

- 6.1 Budget monitoring forms part of the Risk Register.

7.0 Background and Options

- 7.1 The budget was approved for the year 2019/20 at the meeting of the Executive Sub Committee held 29th January 2019.
- 7.2 This report provides the Committee with the expenditure position at 30th November 2019.
- 7.3 The Tribunal is operated on a self-financing basis with income obtained from defraying expenses amongst the Joint Committee member authorities.

- 7.4 The revenue budget estimate was established by the Joint Committee for 2019/20 on the basis that this would reflect the councils who were already members of the Joint Committee
- 7.5 The Joint Committee forecasting model takes account of recent income trends (i.e. within the last 12 months).
- 7.6 Additional income is derived from a recharge to the Bus Lane Adjudication Service Joint Committee and the provision of adjudication for appeals arising from road user charging enforcement at the Dartford-Thurrock River Crossing where the Charging Authority is Highways England. Additional income arises from adjudication for the Mersey Gateway Crossing (the Charging Authority is Halton Borough Council who are not members of the Joint Committee).
- 7.7 The Joint Committee's income is derived from a pre-estimate of the number of penalty charge notices (PCNs) each council and Charging Authority will issue. Corrections are applied at the 6-month and 12-month points once the actual number of PCNs issued is known.
- 7.8 Should it be the case that there is a need for greater expenditure than that provided for in the approved budget, then there is a recommendation to authorise the Director to incur additional expenditure, provided such expenditure does not exceed the income for the current year.
- 7.9 Should it be the case that the revenue account falls into deficit then the surplus from previous years is available.
- 7.10 Should there be greater income than expenditure in the year then there is a recommendation that this be transferred into the succeeding year as reserves.

8.0 Expenditure

- 8.1 Expenditure was lower than budget by £190,089 year to date (8.7%).
- 8.2 Adjudicator costs were favourable to budget by £14,463 (2.0%) in line with lower than budgeted appeals and efficiencies arising from the online appeal system and new ways of working.
- 8.3 Supplies and Services were £135,641 (40.7%) lower than budget year to date. Some of this expenditure is planned to be incurred later in the year.
- 8.4 Staffing costs were adverse to budget by £3,204 year to date (0.4%). This is mainly due to the authorised one off payment to staff made earlier in the year.
- 8.5 Premises costs are also favourable to budget by £9,568 (6.8%) year to date. This relates mainly to unspent office maintenance budget.
- 8.6 IT costs are £30,640 (17.2%) favourable to budget year to date. This is in part due to budgeted technical 3rd party support not being required.

9.0 Income

9.1 Overall income is £54,009 (2.3%) lower than budget year to date.

PATROL (Parking England and Wales, Bus Lanes and Moving Traffic Wales, Road User Charging (Durham County Council) and Littering from Vehicles (England)) income was favourable to budget by £207,185 (21.4%).

The recharge for bus lane adjudication service costs is favourable to budget by £46,102 (14.7%).

Income from the Dartford-Thurrock River Crossing and from the Mersey Gateway Crossing were both lower than forecast due to lower than forecast PCNs issued.

Highways England

	PCNs	£ Rate	£ Amount
Actual	1,628,029	0.35	569,810
Budget	1,890,283	0.35	661,599
Variance	-262,254	0.00	-91,789

Halton Borough Council

	PCNs	£ Rate	£ Amount
Actual	443,974	0.30	133,192
Budget	645,135	0.55	354,824
Variance	-201,161	-0.25	-221,632

Bank interest continues to perform favourably to budget.

10.0 Overall Result

10.1 Eight months into the financial year, the overall surplus is £262,616 against a budget of £126,134 (favourable variance of £136,081).

Of this, £151,763 is ring-fenced to Highways England and Halton Borough Council have shown a deficit of £37,993.

The PATROL surplus at 30th November 2019 is £148,846.

YTD to November 2019				
	PATROL	Highways England	Halton BC	Total
Income	1,552,923	569,810	133,192	2,255,925
Costs	1,404,077	418,047	171,185	1,993,309
Surplus / (Deficit)	148,846	151,763	-37,993	262,616
	0	0	0	

11.0 Reserves

11.1 Total Reserves are £3,255,871 at 30th November 2019, of which Free Reserves are £1,388,887.

Of Free Reserves £86,318 is ring-fenced to Highways England (including the agreed retained balance of £50,000) and £23,246 is ring-fenced to Halton Borough Council (including the agreed retained balance of £25,000) in respect of the Mersey Gateway Crossing.

The Free Reserves balance relating to PATROL is £1,279,323.

<u>Reserves</u>	TOTAL	PATROL	Highways England	Halton Borough Council
Closing Reserves 2017/18 and Opening Reserves of 2018/19	3,460,719	3,119,193	257,022	84,504
Reserves for 2018/19	608,316	281,670	189,714.00	136,932.00
Drawdown of Reserves 2018/19	-773,621	-249,002	-364,422.01	-160,197
Closing Reserves 2018/19 and Opening Reserves of 2019/20	3,295,414	3,151,861	82,313.88	61,238.85
<i>Of which are:</i>				
<i>General Approved Reserve</i>	1,637,548	1,637,548		
<i>Approved Property Reserve</i>	135,230	135,230		
<i>Approved Technology Reserve</i>	325,510	325,510		
<i>Allocated to Bus Lanes (proposed)</i>	-231,304	-231,304		
<i>Adjustment</i>				
<i>TOTAL Approved Reserve</i>	1,866,984	1,866,984	0	0
Free Reserves at 01.04.19	1,428,430	1,284,877	82,313.88	61,238.85
Surplus / (Deficit) ytd to November 2019	262,616	148,846	151,763	-37,993
Drawdown of Reserves 2019/20	-302,159	-154,400	-147,759	
Reserves to end Nov 2019	3,255,871	3,146,307	86,318	23,246
of which Free Reserves	1,388,887	1,279,323	86,318	23,246
<i>* of which retained by agreement</i>			50,000	25,000
<i>balance after retention</i>			36,318.0	-1,754.3

12.0 Recommendations

12.1 To note the income, expenditure and reserves at 30th November 2019.

13.0 Access to Information

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

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Designation: Director

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APPENDIX 1: PATROL Outturn to 30/11/2019

	Year to Date				Full Year			
	30/11/2019	30/11/2019	30/11/2019	30/11/2019	2019/20	2019/20	2019/20	2018/19
	Year to Date	Budget	Var to Budget	Var to Budget	Forecast Outturn	Full Year Budget	Var to Budget	Prior Year Result
Income:								
PATROL *	1,175,324	968,139	207,185	21.4%	1,753,095	1,452,209	300,886	1,719,922
Recharge for Bus Lane Adjudication Costs	359,738	313,636	46,102	14.7%	548,065	470,454	77,611	485,776
Road User Charging:								
RUCA (Dartcharge) - Highways England	569,810	661,599	(91,789)	-13.9%	816,933	992,398	(175,466)	898,271
RUCA (Mersey Gateway) - Halton Borough Council	133,192	354,824	(221,632)	-62.5%	195,818	532,236	(336,418)	340,609
Littering From Vehicles	53	0	53	0.0%	53	0	53	0
Bank Interest	17,406	11,333	6,073	53.6%	26,007	17,000	9,007	23,034
Sale of Assets	402	0	0	0.0%	34,602	0	34,602	0
Contribution (to) / from Reserves	0	0	0	0.0%	0	0	0	0
Total Income	2,255,925	2,309,532	(54,009)	-2.3%	3,374,572	3,464,297	(89,725)	3,467,612
Expenditure:								
Adjudicators	701,827	716,290	14,463	2.0%	1,178,050	1,074,435	(103,615)	891,546
Staff	718,218	715,014	(3,204)	-0.4%	1,081,778	1,072,521	(9,256)	1,000,729
Premises / Accommodation	130,827	140,395	9,568	6.8%	191,588	210,593	19,005	188,946
Transport	60,719	64,667	3,948	6.1%	94,406	97,000	2,594	88,845
Supplies and Services	197,395	333,037	135,641	40.7%	387,778	499,555	111,777	355,057
IT	147,289	177,929	30,640	17.2%	240,299	266,893	26,594	281,223
Services Management and Support	34,000	33,333	(667)	-2.0%	51,000	50,000	(1,000)	50,100
Audit Fees	3,033	2,733	(300)	-11.0%	4,400	4,100	(300)	2,850
Contingency	0	0	0	0.0%	0	0	0	0
Total Expenditure	1,993,309	2,183,398	190,089	8.7%	3,229,298	3,275,097	45,799	2,859,296
Surplus / (Deficit)	262,616	126,134	136,081		145,274	189,200	-43,926	608,316

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Breakdown of Surplus	262,616	126,134			145,274	189,200		608,316
PATROL *	148,846	-118,545			91,180	-177,817		281,670
Halton Borough Council	-37,993	158,523			-85,083	237,785		136,932
Highways England	151,763	86,155			139,177	129,232		189,714

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

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting: 28th January 2020
Report of: The Director in consultation with the PATROL and BLASJC Resources Working Group and Sub Committee
Subject/Title: Budget 2020/21

1.0 Report Summary

1.1 To request the Committee to adopt the revenue budget estimates for 2020/21.

2.0 Recommendation

2.1 To agree to adopt the revenue budget for 2020/21 as detailed in the report.

3.0 Reasons for Recommendations

3.1 Joint Committee Financial Regulations

4.0 Financial Implications

4.1 Set out in the report

5.0 Legal Implications

5.1 Requirement to approve budget before 31 January 2020

6.0 Risk Management

6.1 Budget setting contributes to the Risk Management Strategy.

7.0 Background and Options

7.1 In accordance with the Joint Committee's agreement, it is necessary to establish a budget estimate for the forthcoming year. An assessment has been made of the likely service take up during 2020/21 and therefore the Adjudicators, administrative support and accommodation needed. The adjudication service is operated on a self-financing basis with income obtained from contributions by PATROL member authorities and the provision of adjudication to third parties.

7.2 Income assumptions

Table 1 provides an income summary since 2010/11:

Year	Budgeted Income	Achieved Income *	variance
2010/11	2,560,993	2,757,666	196,673
2011/12	2,782,500	3,158,649	376,149
2012/13	2,576,410	2,933,181	356,771
2013/14	3,091,564	3,260,847	169,283
2014/15	3,300,457	3,085,885	-214,572
2015/16	3,664,745	3,951,284	286,539
2016/17	3,670,344	3,537,576	-132,768
2017/18	3,529,490	3,307,838	-221,652
2018/19	3,396,230	3,467,612	71,382
2019/20	3,464,297	3,332,091	-132,206

* forecast for 2019/20

- 7.3 The Joint Committee has determined that member authorities will defray the expenses of the Joint Committee by way of a contribution based on the number of penalty charge notices they issue.
- 7.4 For 2020/21, the forecasting model focuses on trends from the past 12 month's income and new appeal streams that are due to come into force during 2020/21.
- 7.5 Additional income to the PATROL budget arises from a recharge to the Bus Lane Adjudication Service Joint Committee for the purposes of integrated adjudication services.
- 7.6 During 2020/21, additional income also derives 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 and 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 are not members of the PATROL Joint Committee. Any surplus/deficit arising from appeals activity in this respect is ring-fenced to those charging authorities. Charges are also agreed separately.
- 7.7 During 2018/19, new powers were introduced to enable Local Authorities in England to undertake civil enforcement of littering from vehicles. Whilst there has been considerable interest from local authorities' level of enforcement have been low and at the time of writing this report, to date only four appeals have been received by the tribunal. The forecast for 2020/21 remains low for this area of enforcement.
- 7.8 It is anticipated that 2020 will see the introduction of road user charging appeals associated with Charging Clean Air Zones. In the absence of estimates, a provisional estimate of £60,000 has been included.

- 7.9 A forecast for bank interest has been included in the income projection based on the Annual Investment Strategy and performance in 2019/20 reported elsewhere.
- 7.10 The Joint Committee approves a Reserves Policy Statement annually.
- 7.11 At its meeting on 2 April 2019, the Resources Working Group and Sub Committee, in considering the Joint Committee's updated Reserves Policy, agreed that as it had been some time since the organisation had reviewed its staff and adjudicator requirements and that it would be timely to do so, in order to ensure that there was sufficient resource to meet its commitments and objectives for the five-year period 2020 to 2025.
- 7.12 The annual meetings of the Joint Committees in July requested that the Resources Working Group and Subcommittee undertake this piece of work in the light of the increasing complexity of the civil traffic enforcement landscape and a 5-Year Review Group has been established. This Review Group has been consulted in respect of the anticipated exceptional costs arising from the 5 Year Investment Plan for 2020/21 included in this proposal.

8.0 Expenditure

- 8.1 An assessment has been made of the revenue budget that will be needed to meet the demands on the service during 2020/21
- 8.2 Appeals activity for the first eight months of 2019/20 has indicated that there has been an overall increase in tribunal cases of 9.1%.
- 8.3 In preparing this budget for 2020/21, account has been taken of this together with the following objectives:
- To deliver the first year of the PATROL Five-Year Plan as reported above including:
 - Undertaking an adjudicator recruitment and training programme to respond to increasing adjudication demands
 - Reviewing the senior management structure
 - To continue to develop an intuitive online appeal system for appellants and respondent authorities supported by information and guidance in response to user feedback and surveys.
 - To prepare for and deliver adjudication in respect of road user charging appeals in respect of charging clean air zones.
 - To continue to improve the tribunal's understanding of appellants who are not online and develop the assisted digital offer.
 - To introduce a new Traffic Penalty Tribunal website including interactive appeals statistics and develop the range of information available through the website.

- To strengthen local authority understanding of adjudication as a judicial process through local authority engagement and workshops.
- To continue to promote best practice in public information on civil enforcement including the development of shared resources available to local authorities.
- Develop the evidence base of enforcement and appeals on behalf of local authorities outside London.

8.4 To enable a year on year comparison to be made, the budget has been presented on a “business as usual” and “exceptional costs basis” associated with the delivery of the five-year plan. The exceptional expenditure of £456,000 in total comprises £285,000 of one-off costs and £171,000 of additional ongoing costs.

8.5 The following provides a summary of anticipated routine expenditure in 2020/2021

Adjudicators

The budget assumes a 2% inflationary increase in adjudicator fees.

Staffing

A 2% inflationary increase has also been assumed for salaries.

Premises

The total budgeted premises figure of £205,650 reflects rent, service charge, business rates, utilities, car parking, office maintenance, health and safety, and cleaning. There is also an amount for potential additional furniture and equipment relating to possible additional staff for CAZ (£3,000).

Travel

In addition to staff travel, this budget line includes meeting the travel costs of local authority officers attending PATROL and Traffic Penalty Tribunal meetings and workshops. Without this, many authorities would not be able to attend these events which receive positive feedback and provide an opportunity to share innovation and best practice. Following approval at the July 2018 meeting, the budget also includes provision for member expenses for Joint Committee meetings outside the annual meeting.

Supplies and Services

The increase in supplies and services reflects an increasing focus on communication to raise awareness of the right to appeal and public information on traffic management matters. The tribunal’s web site continues to be refreshed and the cost of providing public information films on the PATROL website is also included. These projects are being delivered

through the use of tailored consultancy services to ensure the deployment of a range of skills.

IT Costs

The IT budget for 2020/21 is comparable with the budget 2019/20 and represents a £7,000 saving on the forecast outturn for 2019/20. New developments for the tribunal's online appeal system are funded through the technology reserve, reported separately.

Service Management & Support

For 2020/21, the proposed Service Level Agreement charges with Cheshire East Council as Host Authority for routine services will remain broadly in line with those for 2019/20 (£51,600). The uplift is based on the Consumer Price Index in November 2019 at 1.5%. Information for previous years is set out below. If there is any variation this will be drawn to the attention of the Executive Sub Committee

	2018-19	2019-20	<i>proposed</i> 2020-21
HR	8,240	8,420	8,550
Audit	4,850	4,960	5,030
Democratic Services Support	8,240	8,420	8,550
Legal	8,240	8,420	8,550
Finance	4,850	4,960	5,030
Highways - Hosting of PATROL	5,680	5,800	5,890
Retainer (assets, FOI, procurement, IT support, H&S)	10,000	10,000	10,000
TOTAL	50,100	50,980	51,600

Audit

External Audit fees are broadly in line with those for 2019/20. Internal Audit is included in the SLA Charges from Cheshire East see table above.

9.0 Summary of movement in income and expenditure

The tables below compare overall budgeted income and expenditure between 2019/20 and 2020/21 and the detail in relation to budgeted contributions to and from reserves (PATROL and those ring-fenced to Highways England and Halton Borough Council). Those schemes are currently charged on the basis of 35 pence and 30 pence respectively.

	Budget 2019/20	Budget 2020/21	Variance	% Change
Income	£3,464,298	£3,565,217	£100,919	2.9% increase
Expenditure	£3,275,097	£3,691,638	(£416,541)	12.7% increase
Contribution to/ (from) Reserves	£189,201	(£126,420)	(£315,122)	

Note: budgeted costs excluding exceptional costs (for 2020/21) are £3,235,638 which equates to a drop against budgeted costs for 2019/20 of 1.2% year on year

Contribution split as follows:

	Budget 2019/20	Budget 2020/21
PATROL (from reserves)	£- 177,816	- £148,963
Halton Borough Council (from ring-fenced reserves)	£237,785	-£14,131
Highways England (to ring-fenced reserves)	£129,232	£36,674
TOTAL	£189,201	- £126,420

**note – negative numbers indicate a contribution FROM Reserves*

The proposed budget for 2020/21 assumes the continuation of defraying the expenses amongst members of the Joint Committee on the basis of 30 pence per PCN as approved at the January 2019 meeting. The basis for defraying expenses will also be considered at the January 2020 meeting of the Executive Sub Committee.

The budgeted income and expenditure for 2020/21 results in an overall forecast contribution **FROM** reserves of £126,420 (a proportion of which will be ring-fenced to road user charging schemes – see table above). This compares to a forecast contribution to Reserves at the end of the financial year 2019/20 of £145,274 (a proportion of which relates to road user charging).

Appendix 1 provides contextual information for the proposed 2019/20 budget:

- Actual full year expenditure for 2017/18 **(Col 1)**
- Actual full year expenditure for 2018/19 **(Col 2)**
- Forecast expenditure 2019/20 (at the seven-month point) **(Col 3)**
- Budget for 2019/20 **(Col 4)**
- FULL Budget for 2020/21 **(Col 5)**
- Variance between (4) and (5) **(Col 6)**
- Exceptional Costs for 2020/21 **(Col 7)**
- Restated Budget for 2020/21 to exclude Exceptional Costs **(Col 8)**
- Variance between (7) and (8) **(Col 9)**

10.0 Forecast Reserves to 31st March 2021

<u>Reserves Forecast to March 2021</u>	TOTAL	PATROL	Highways England	Halton Borough Council
Closing Reserves 2018/19 and Opening Reserves of 2019/20	3,295,414	3,151,861	82,314	61,239
Forecast Surplus / (Deficit) ytd to March 20	145,274	91,180	139,177	-85,083
Drawdown of Reserves 2019/20	-379,359	-231,600	-147,759	
Reserves to end March 2020	3,061,329	3,011,441	73,732	-23,844
Budget 20/21	-126,420	-148,963	36,674	-14,131
Forecast Reserves to March 21	2,934,909	2,862,478	110,406	-37,975
<i>of which:</i>				
<i>General Operating Reserve</i>	1,845,819	1,845,819		
<i>Technology Reserve</i>	369,164	369,164		
<i>Property Reserve</i>	322,862	322,862		
<i>Innovation and Research Reserve</i>	50,000	50,000		
<i>Total approved Reserve</i>	2,587,845	2,587,845		
<i>Reserve allocated to BLASJC</i>	332,214	332,214		
PATROL Reserve	2,255,631	2,255,631		
of which Free Reserves	679,278	606,847	110,406	-37,975
<i>* of which retained by agreement</i>			50,000	25,000
<i>balance after retention</i>			60,406	-62,975

11.0 Access to Information

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

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PATROL Budget Summary 2020/21

	1	2	3	4	5	6	7	8	9
	Actuals 2017/18	Actuals 2018/19	8+4 Forecast 2019/20	Budget 2019/20	FULL Budget 2020/21	Budget Var 19/20 to 20/21	Investment Exceptional Costs 2020/21	Restated BUDGET 2020/21 Excluding Exceptional	Budget Var 19/20 to 20/21 (exc Excep) Like for Like
Income									
PATROL *	1,695,610	1,670,717	1,753,095	1,401,059	1,692,009	290,950		1,692,009	290,950
Recharge for Bus Lane Adjudication Costs	426,443	485,776	548,065	470,454	664,428	193,974		664,428	193,974
Moving Traffic	49,205	49,205	0	50,400	50,400	0		50,400	0
Road User Charging:									
Highways England	915,417	898,271	816,933	992,398	870,972	(121,427)		870,972	(121,427)
Halton Borough Council	209,141	340,609	195,818	532,236	201,800	(330,436)		201,800	(330,436)
Durham Peninsular			0					0	0
Littering from Vehicles	0	0	53	750	600	(150)		600	(150)
Clean Air Zones	0	0	0	0	61,008	61,008		61,008	61,008
Other Income	0	0	34,602	0	0	0		0	0
Bank Interest	12,023	23,034	26,007	17,000	24,000	7,000		24,000	7,000
Total Income	3,307,838	3,467,612	3,374,573	3,464,297	3,565,217	100,920	0	3,565,217	100,920
Expenditure:									
Adjudicators	912,583	891,547	1,178,050	1,074,433	1,254,564	(180,131)	128,000	1,126,564	(52,131)
Staff	995,882	1,000,730	1,081,778	1,072,523	1,301,715	(229,192)	163,000	1,138,715	(66,192)
Premises / Accommodation	174,528	188,946	191,588	210,593	205,650	4,943	3,000	202,650	7,943
Transport	80,927	88,845	94,406	97,000	92,800	4,200		92,800	4,200
Supplies and Services	366,149	333,174	387,778	499,555	492,704	6,851		492,704	6,851
IT	268,680	298,675	240,299	266,893	233,685	33,208		233,685	33,208
Services Management and Support	48,902	50,100	51,000	50,000	51,600	(1,600)	108,000	(56,400)	106,400
Audit Fees	4,750	2,850	4,400	4,100	4,920	(820)		4,920	(820)
Contingency	11	4,430	0	0	54,000	(54,000)	54,000	0	0
Total Expenditure	2,852,413	2,859,297	3,229,299	3,275,097	3,691,638	(416,541)	456,000	3,235,638	39,459
Surplus / (Deficit)	455,426	608,316	145,274	189,200	(126,420)	(315,620)	(456,000)	329,580	140,380

Breakdown of Contribution to Reserves:

TOTAL	455,426	608,316	145,274	189,201	-126,420
PATROL	203,074	281,670	91,180	-177,816	-148,963
Halton Borough Council	61,452	136,932	-85,083	237,785	-14,131
Highways England	190,900	189,714	139,177	129,232	36,674

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

Note: A negative number means a contribution from reserves

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting:	28 th January 2020
Report of:	The Director in consultation with the PATROL and BLASJC Resources Working Group and Sub Committee.
Subject/Title:	Reserves Policy Statement

1.0 Report Summary

- 1.1 To review the Reserves Policy Statement for the Joint Committee for 2020/21.

2.0 Recommendation

- 2.1 To approve the proposed Reserves Policy Statement for 2020/21 including the recommendation for a new Research and Innovation Reserve of £50,000. (see 7.6)
- 2.2 To approve the total PATROL approved reserve level for 2020/21 of £2,255,631. This reflects the contribution from the BLASJC reserve of £332,214. The equivalent amount for 2019/20 was is £1,866,984. This after allowing for the proposed Reserve Allocation to BLASJC of £231,304.
- 2.3 To approve the balances of any surplus from 2019/20 being carried forward to 2020/21.
- 2.4 To approve 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.

3.0 Reasons for Recommendations

- 3.1 Compliance with Financial Regulations

4.0 Financial Implications

- 4.1 The Reserves Policy Statement contributes to the self-financing objectives of the Joint Committee.

5.0 Legal Implications

- 5.1 The Reserves Policy Statement will enable contractual obligations to be met

6.0 Risk Management

- 6.1 The Reserves Policy Statement forms part of the Risk Management Strategy. The Risk Management Framework is reviewed at each meeting and includes the following statement:

“We will maintain a sufficient level of reserves to support liquidity and absorb short-term fluctuations in income and expenditure beyond our control.”

7.0 Background and Options

- 7.1 PATROL has built up a body of reserves which ensures the continuation of service should there be an unexpected downturn of income or unforeseen expenditure. The availability of reserves is central to maintaining its ability to self-finance and reduce the likelihood of having to call on additional resources from member authorities mid-year.

- 7.2 For 2020/21, it is recommended that the Reserves Policy Statement will be made up of four elements:

General Reserves
Property Reserves
IT Reserve
Research and Innovation Reserve (New Recommendation)

7.3 The General Reserve

The General Reserve is an operating reserve which aims to mitigate the risk arising from:

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

The General Reserve is based on 50% of total budgeted costs. It is recommended that the General Reserve for 2020/21 will be £1,845,819. This compares to £1,637,548 for the previous year.

7.4 The Property Reserve

This provides an indemnity to the Host Authority in relation to any outstanding rent associated with the lease that they have entered into on behalf of the Joint Committee. In previous years, it has reflected the number of years of commitment beyond the next budgeted year. So, at this point head of the break clause at year 3 (2020/21), a zero amount would have been included.

The Resources Committee has reviewed this reserve and recommends that the Joint Committee Executive Sub Committee approves a constant 2-year reserve in respect of premises.

It is recommended that the Property Reserve from 2020/21 is maintained to cover two years beyond the current financial year to provide a more consistent approach compared to the previous method where at year 3 in the lease cycle, no provision would be made beyond the break clause. The property reserve for 2020/21 will be £322,862 which compares with £135,230 in the previous year.

7.5 Technology Reserve

It is recommended that the Technology reserve be set at the equivalent of 10% of total budgeted costs i.e. £369,164.

Table 2: Technology Reserve Levels

2020/21	£369,104
2019/20	£325,510
2018/19	£250,000
2017/18	£350,000

For 2020/21 it is recommended that a reserve of £369,164 is approved. This is consistent with the previous year's calculation and will further refine the digital appeal system and to prepare to receive road user charging appeals arising from penalties issued in charging clean air zones scheduled to commence mid-2020.

7.6 Research and Innovation Reserve

At its annual meeting on 16th July 2019, the Joint Committee approved the use of PATROL Free Reserves to establish an earmarked reserve subject to approval being given by the Joint Committee, its Executive Sub Committee or Resources Working Group and Sub Committee.

It is recommended for 2020/21 to apply £50,000 of its Free Reserve to establish an additional approved reserve to support Research and Innovation initiatives. These might include:

- a) Commissioning independent research to support PATROL objectives
- b) Supporting member authorities to undertake research/initiatives/pilots which support PATROL objectives.

The Resources Working Group and Sub Committee will be requested to oversee the expenditure from the Research and Innovation Reserve. Update reports will be presented to the Joint Committee or its Executive Sub Committee.

It is recommended for 2020/21 to apply £50,000 of its Free Reserve to establish an additional approved reserve to support Research and Innovation initiatives.

- 7.7. It is recommended that the total PATROL approved reserve level for 2020/21 is £2,255,631. This after allowing for the proposed Reserve Allocation to BLASJC of £332,214.

Reserves Summary:

	2017/18	2018/19	2019/20	2020/21
General Operating Reserve	1,308,205	1,364,142	1,637,548	1,845,819
Technology Reserve	350,000	250,000	325,510	369,164
Property Reserve	221,340	296,575	135,230	322,862
Innovation and Research Reserve				50,000
Total approved Reserve	1,879,545	1,910,717	2,098,288	2,587,845
Reserve allocated to BLASJC			231,304	332,214
PATROL Reserve	1,879,545	1,910,717	1,866,984	2,255,631

- 7.8 It is anticipated that PATROL reserve will reach £3,011,441 (excluding ring-fenced amounts) at the 31st March 2020 and therefore sufficient reserves will be in place to accommodate the recommended approved reserve of £2,255,631.

<u>Forecast Reserves:</u>	TOTAL	PATROL	Highways England	Halton BC
Closing Reserves 2018/19 and Opening Reserves of 2019/20	3,295,414	3,151,861	82,314	61,239
Forecast Surplus / (Deficit) for 19/20	145,274	91,180	139,177	-85,083
Drawdown of Reserves 2019/20	-379,359	-231,600	-147,759	
Forecast Reserves at 31.03.20	3,061,329	3,011,441	73,732	-23,844
<i>of which Free Reserves</i>	1,194,345	1,144,457	73,732	-23,844
<i>* of which retained by agreement</i>			50,000	25,000
<i>balance after retention</i>			23,732	-48,844

- 7.9 The Joint Committee will monitor income and expenditure during 2020/21 to keep the Reserves Policy Statement under review.

8.0 PATROL Free Reserves

- 8.1 PATROL Free Reserves is the Residual balances over and above the approved reserve (which combines General, Premises and Technology Reserves). PATROL Free Reserves excludes any ring-fenced reserves arising from agreed charging arrangements for adjudication held with third parties. PATROL Free Reserves may be used for the following purposes:

- To balance an in-year budgetary deficit
- To fund approved reductions in member charges.
- To uplift an existing specific or ear marked reserve such as the Technology Reserve.
- To establish an ear marked reserve.
- To undertake approved initiatives delivering mutual benefits to member authorities within the remit of the Joint Committee.

8.2 The maximum permitted level of residual balance will be no greater than the approved reserve level. Table 3 provides a summary of reserves over the period year ending March 2015 to March 2019 which indicates that there has been an excess of approved over free reserve excepting for the period ending March 2016.

8.3 Approval for use of PATROL Free Reserve must be given by the Joint Committee, its Executive Sub Committee or Resources Working Group and Sub Committee except in the case of use for meeting budgetary deficits where authority is delegated to the Chair and Vice Chair.

Table 3: PATROL Reserves Summary 2015 to 2019

	Mar-16	Mar-17	Mar-18	Mar-19
Actual Reserves	2,956,802	3,116,338	3,119,193	3,151,861
Approved Reserves	1,458,161	1,823,999	1,879,545	1,910,717
Free Reserves	1,498,641	1,292,339	1,239,648	1,241,144
		0	0	0
Free as % of Approved	102.78%	70.85%	65.95%	64.96%

9.0 Access to Information

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

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PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting:	28 th January 2020
Report of:	The Director in consultation with the PATROL and BLASJC Resources Working Group and Sub Committee
Subject/Title:	Annual Investment Strategy

1.0 Report Summary

- 1.1 To report on investments during 2019/20 and request the Joint Committee to approve the annual investment strategy for 2020/21.

2.0 Recommendation

- 2.1 To approve the Annual Investment Strategy 2020/21.

3.0 Reasons for Recommendations

- 3.1 Joint Committee Financial Regulations.

4.0 Financial Implications

- 4.1 Set out in the report.

5.0 Legal Implications

- 5.1 None.

6.0 Risk Management

- 6.1 The Annual Investment Framework is informed by the Joint Committee's Risk Management Strategy.

7.0 Background and Options

- 7.1 The Joint Committee or its Executive Sub Committee is responsible for approving the Joint Committee's Annual Investment Strategy.

- 7.2 The Director will prepare an Annual Investment Strategy in consultation with the Joint Committee's Treasurer (the Host Authority's Section 151 Officer)

- 7.3 The Annual Investment Strategy will be informed by the Joint Committee's Risk Management Strategy. The Joint Committee has determined:

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

7.4 In the year to date the interest generated has been on average £2,179 per month.

7.5 Deposits utilised in the year include six-month and 12-month deposits and continuous transfer of overnight balances from the current account, leaving a residual balance of £30,000. Deposits are placed with a variety of withdrawal notice periods to ensure adequate access to funds. In addition, deposits are made across a number of banks.

8.0 Annual Investment Strategy 2020/21

8.1 Investments will only be made with low risk institutions with offices in the UK.

The CIPFA requirements in the Treasury Code of Practice require the use of credit ratings as a qualifying level – for example Cheshire East Council will be requiring grade A- for 2020/21. This relates to the lowest published long-term credit rating from Fitch, Moody’s or Standard and Poor’s.

Investments take the form of fixed term deposit accounts. Deposits will be spread over at least two banks to reduce risk. The banks are currently Santander, Lloyds and HSBC which have the required credit rating.

8.2 The availability of new investments will be reviewed regularly to ensure that the best products are chosen in terms of rate of return and accessibility.

9.0 Access to Information

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

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Designation: Director

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PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting:	28 th January 2020
Report of:	Director in consultation with the PATROL and BLASJC Resources Working Group and Sub Committee
Subject/Title:	Defraying the expenses of the Joint Committee 2020/21

1.0 Report Summary

- 1.1 To establish the basis for defraying expenses during 2020/21

2.0 Recommendation

- 2.1 That for 2020/21, the Joint Committee maintains the rate of 30 pence per PCN for member authorities. This will be reviewed at the October 2020 meeting in the light of actual income and expenditure information for the first half of the year is available. The rate of 30 pence will apply to penalties issued as follows:

Parking - England

Parking - Wales

Bus Lanes and Moving Traffic - Wales

Road User Charging – England and Wales (Please also see recommendation 2.4)

Littering from vehicles - England

- 2.2 There will be no annual charge, nor cost per case.
- 2.3 Invoicing will be undertaken on a quarterly basis on estimated figures and subsequently adjusted at the 6 month and 12 month points.
- 2.4 To note that separate charging arrangements are entered into with Highways England and Halton Borough Council who are not members of the Joint Committee but with each of whom the Joint Committee has entered into a Memorandum of Understanding. Ring-fenced balances associated with these schemes are reported separately to the Joint Committee within budget monitoring reports.
- 2.5 To note that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental costs of making a transcription from the audio recordings of the proceedings at a hearing 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.

3.0 Reasons for Recommendations

- 3.1 Compliance with Financial Regulations

Financial Implications

4.1 Detailed in the report.

5.0 Legal Implications

5.1 In accordance with the PATROL Adjudication Joint Committee Agreement.

6.0 Risk Management

6.1 Financial resilience is monitored within the Risk Management Strategy.

7.0 Background and Options

7.1 The Joint Committee provides the means to appeal to an independent adjudicator in respect of civil traffic enforcement in England (outside London) and Wales, road user charging and littering from vehicles.

7.2 The PATROL agreement provides for the adjudication service to be operated on a self-financing basis with expenses defrayed by member authorities. Where authorities are working in partnership, it is practice to charge those enforcement authorities who manage the enforcement income stream. Table 1 provides an overview of the Joint Committee's basis for defraying expenses since inception.

Table 1 History of defraying the expenses of the Joint Committee

Year	Per PCN	Annual	Case
1991/2001	70 pence	£500	£10
2001/2003	70 pence	£500	£0
2003/2005	65 pence	£250	£0
2005/06	60 pence	£0	£0
2006/07	55 pence	£0	£0
2007/08	55 pence	£0	£0
2008/09	60 pence	£0	£0
2009/10	60/65 pence	£0	£0
2010/11	65 pence	£0	£0
2011/12	65 pence	£0	£0
2012/13	60 pence	£0	£0
2013/14	60 pence	£0	£0
2014/15	55 pence	£0	£0
2015/16	50/45 pence	£0	£0
2016/17	45/40 pence	£0	£0
2017/18	35 pence	£0	£0
2018/19	30 pence	£0	£0
2019/20	30 pence	£0	£0

7.3 The per PCN charge has more than halved since the inception of the Joint Committee and the annual and per case charges withdrawn entirely. This reduction is a result of economies of scale and efficiencies arising from the introduction of digital appeals.

7.4 Following consideration by the Resources Working Group and Sub Committee, it is recommended that for 2020/21, the Joint Committee maintains the rate of 30 pence per PCN. This will be reviewed at the October 2019 meeting in the light of actual income and expenditure information for the first half of the year is available. The rate of 30 pence will apply to penalties as follows:

Parking - England

Parking - Wales

Bus Lanes and Moving Traffic - Wales

Road User Charging – England and Wales (please also see paragraph 7.5)

Littering from vehicles - England

7.5 The Joint Committee is asked to note that the PATROL Joint Committee provides access to independent adjudication through the Traffic Penalty Tribunal for appeals arising from penalty charge notices issued under Road User Charging regulations at the Dartford-Thurrock River Crossing (Highways England) and at the Mersey Gateway Bridge Crossing (Halton Borough Council). These arrangements are each underpinned by a Memorandum of Understanding as the Charging Authorities are not members of the PATROL Joint Committee. The charges and agreed reserve levels for these are subject to separate arrangements agreed with the Charging Authority. Balances associated with these schemes are reported separately to the Joint Committee within budget monitoring reports.

7.6 The formal recommendation for defraying expenses for Member Authorities for 2020/21 and its impact on reserves is as follows:

To maintain a charge per PCN of 30 pence.

This will require a **contribution from reserves** for PATROL for 2020/21 (excluding Highways England and Mersey Gateway ring-fenced amounts) of £148,963.

This would be offset against a PATROL Free Reserve balance of £1,144,457 (predicted at 31st March 2020).

The basis for defraying expenses will be reviewed in October 2020 in the light of six-months income and expenditure information.

8.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

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PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES Executive Sub Committees

Date of Meeting: 28th January 2020
Report of: The Director
Subject/Title: General Progress Report

1.0 Report Summary

1.1 To provide a General Progress Report for the period April to November 2019.

2.0 Recommendations

2.1 To note the matters reported.

3.0 Reasons for Recommendations

3.1 To update the Joint Committees.

4.0 Financial Implications

4.1 This information will be reviewed in preparing budgets.

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 Appeals activity is reflected in the Risk Management Framework reported separately.

7.0 Background and Options

7.1 A report is presented at Appendix 1

8.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

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Appendix 1



General Progress Report

1 April 2019 – 30 November 2019

1. Introduction

1.1

This report provides an overview of Traffic Penalty Tribunal (TPT) statistics, trends and initiatives for the period 1 April to 30 November 2019.

This period has seen a 26% increase in Penalty Charge Notices (PCNs) appealed when compared to the same period last year. The majority of this increase relates to appeals against road user charging penalties issued from the Mersey Gateway Bridge Crossings scheme ('Merseyflow') although an increase in the number of Welsh Parking PCNs appealed is also noted.

Further details of these increases are included later in the report.

2. Background

2.1

The TPT decides appeals against penalties issued for traffic contraventions by enforcement and charging authorities in England (outside London) and Wales.

2.2

This includes appeals against civil enforcement penalties issued by local authorities for parking, bus lane, littering from vehicles and (in Wales only) moving traffic contraventions, as well as appeals arising from road user charging enforcement.

2.3

The road user charging schemes for which the TPT sees appeals for include the:

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

2.4

The TPT comprises 27 part-time adjudicators (wholly independent lawyers whose appointments are subject to the consent of the Lord Chancellor) working remotely with the support of 14 administrative staff, who provide customer support and process appeals.

2.5

The Chief Adjudicator is Caroline Sheppard OBE and the Deputy Chief Adjudicator is Stephen Knapp.

2.6

The TPT is funded by the PATROL Joint Committee of over 300 local authorities. PATROL fulfils a statutory duty to make provision for the independent adjudication provided by the TPT.

2.7

The TPT Adjudicators are independent, judicial office holders, exercising a judicial function, and not employees of the Joint Committee. Together they constitute the independent and impartial tribunal for the determination of appeals made to them. The Adjudicators and their administrative staff are, for convenience, described collectively as the Traffic Penalty Tribunal.

2.8

The relationship between the TPT and the PATROL Joint Committee is largely derived from and governed by the *Traffic Management Act 2004* and *Transport Act 2000* and the regulations made under those two Acts. The TPT and Joint Committees have also established a Memorandum of Understanding, which is reviewed each year.

3. Appeals and PCN summary, April to November 2019

Please note: The figures within this section include all PCNs dealt with by the Tribunal. This includes Witness Statements. It should be noted that the PCN figures will also include a small number of duplicated PCNs, and those PCNs not registered by the adjudicator

3.1 PCNs appealed: All appeal streams

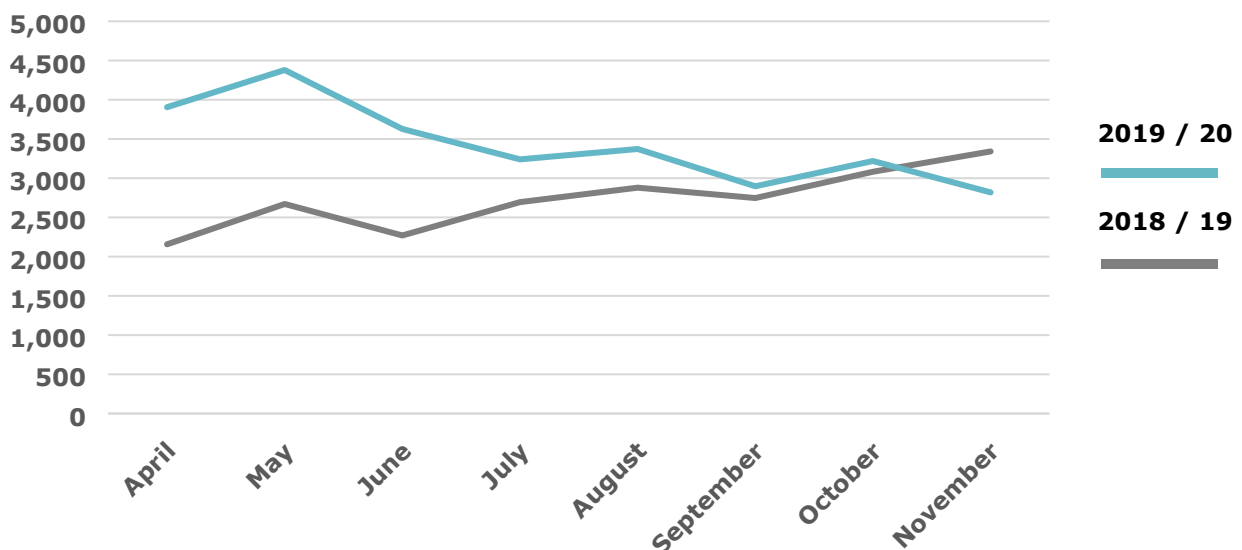
The below table and graph show all PCNs appealed to the Tribunal from April – November for this year (2019/20), against the same period in the year 2018/19.

The figures for 2019/20 show a 25.7% increase Year-on-Year (YOY).

	2018/19	2019/20
April	2,157	3,905
May	2,671	4,379
June	2,270	3,627
July	2,695	3,240
August	2,879	3,375
September	2,747	2,897
October	3,082	3,219
November	3,341	2,819
TOTAL	21,842	27,458 (+25.7% YOY)

The increase in penalties appealed is predominantly related to road user charging enforcement at the Mersey Gateway Bridge Crossing and reflects the comparison between the three-month period April to September 2018 of significantly lower appeal activity, with the same period April to September 2019 (see 3.6).

FIG 1: PCNs appealed: All appeal streams
(Apr–Nov 2019/20 vs. 2018/19)



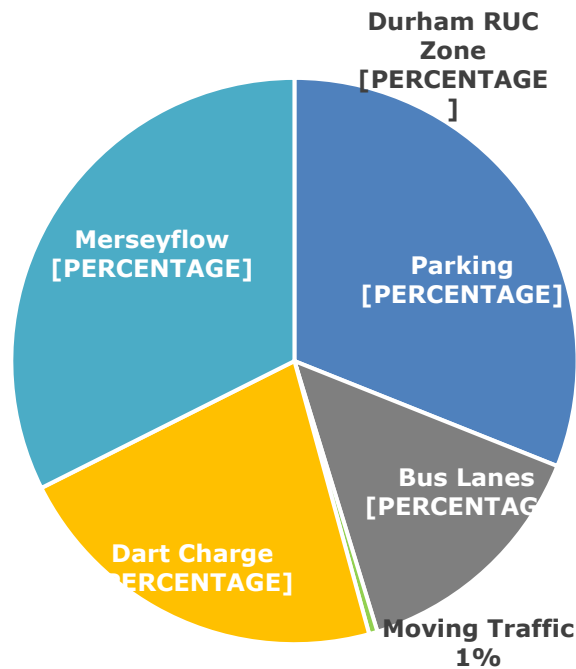
3.2 PCNs appealed: Specific appeal streams

The below table breaks down all PCNs appealed to the Tribunal by separate appeal stream between April – November for this year (2019/20). Totals for the same period in 2018/19 are also shown, together with the % increase or decrease year on year (YOY).

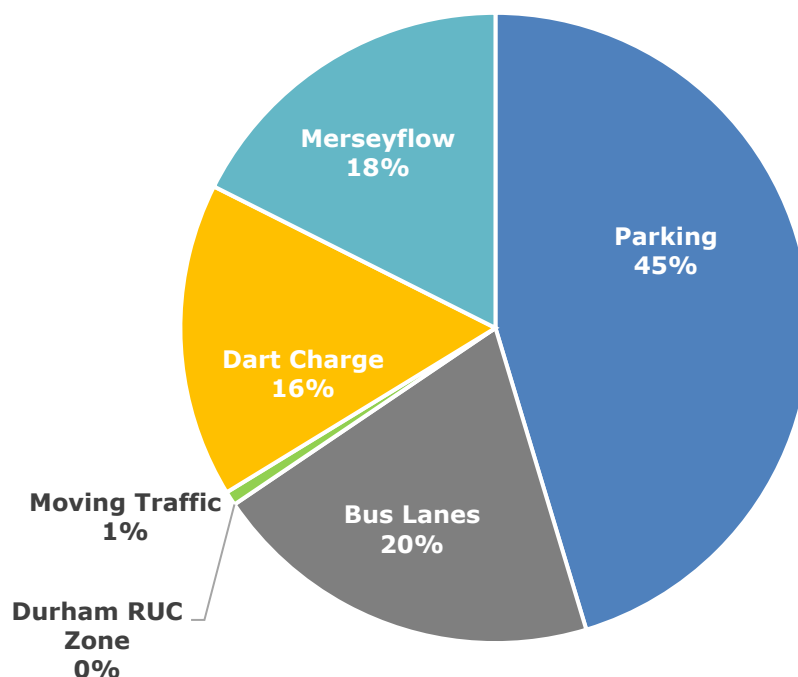
2019/20						
	Parking	Bus Lanes	Moving Traffic	Dart Charge	Merseyflow	Durham Congestion
April	1,021	517	17	887	1,463	0
May	1,032	473	17	1,010	1,847	0
June	1,033	415	23	759	1,397	0
July	1,165	508	15	685	866	0
August	1,109	478	14	602	1,171	0
September	971	459	12	703	752	0
October	1,171	516	16	732	784	0
November	1,026	537	19	622	614	0
TOTAL	8,525	3,902	133	6,000	8,895	0
Totals for Apr–Nov 2018/19	7,628	4,382	154	7,454	2,224	0
	+11.8% YOY in 2019/20	-11% YOY in 2019/20	-13.6% YOY in 2019/20	-20% YOY in 2019/20	+300% YOY in 2019/20	~ YOY in 2019/20

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 (2019/20).

FIG 2: PCNs appealed by appeal stream, as percentage of total appealed (Apr–Nov 2019/20)



**FIG 3: Cases by appeal stream, as percentage of total
(Apr–Nov 2019/20)**



3.3 PCNS appealed: England

The below table provides a breakdown of PCNs appealed to the Tribunal issued from England Parking and Bus Lane schemes, as well as Littering from Vehicles enforcement, from April – November this year (2019/20).

2019/20			
	Parking England	Bus Lanes England	Littering from Vehicles
April	958	483	0
May	958	452	0
June	958	390	0
July	1,088	493	1
August	1,047	462	1
September	897	442	0
October	1,083	493	0
November	949	518	1
TOTAL	7,935	3,732	3
Totals for Apr–Nov 2018/19	7,262	4,206	0
	+9.3% YOY against 2018/19	-11.3% YOY against 2018/19	N/A

3.4 PCNs appealed: Wales

The below table provides a breakdown of PCNs appealed to the Tribunal issued from Wales Parking, Bus Lane and Moving Traffic schemes from April – November this year (2019/20).

2019/20			
	Parking Wales	Bus Lanes Wales	Moving Traffic Wales
April	63	34	17
May	74	21	17
June	75	25	23
July	77	15	15
August	62	16	14
September	74	17	12
October	88	23	16
November	77	19	19
TOTAL	590	170	133
Totals for Apr–Nov 2018/19	366	176	154
	+61.2% YOY against 2018/19	-3.4% YOY against 2018/19	-13.6% YOY against 2018/19

The increase in PCNs appealed above is mainly due to increases for existing authorities. A small proportion, however, is related to five new authorities that commenced enforcement during the period (Blaenau Gwent County Borough Council; Caerphilly County Borough Council, Monmouthshire County Council, Newport City Council and Torfaen County Borough Council).

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

The below table provides a breakdown of PCNs appealed to the Tribunal that were issued from the Dart Charge scheme from April – November this year (2019/20).

2019/20	
	Dart Charge
April	887
May	1,010
June	759
July	685
August	602
September	703
October	732
November	622
TOTAL	6,000
Totals for Apr–Nov 2018/19	7,454
	-20% YOY against 2018/19

3.6 PCNs appealed: Mersey Gateway Bridge Crossings ('Merseyflow') – Charging Authority: Halton Borough Council

The below table provides a breakdown of PCNs appealed to the Tribunal that were issued from the Merseyflow scheme from April – November this year (2019/20).

2019/20	
	Merseyflow
April	1,463
May	1,847
June	1,397
July	866
August	1,171
September	753
October	784
November	614
TOTAL	8,895
Totals for Apr–Nov 2018/19	2,224
	+300% YOY against 2018/19

In considering the increase in appeals above, it should be noted that there have been significant fluctuations in the volume of penalties referred to the Tribunal over the two-year period reported. Following an adjudicator decision, a new charging order was introduced in April 2018 and cases under the old 2017 order did not progress. The lower number of penalties reported for 2018 / 19 reflects the interim period before cases were brought under the new 2018 order.

4. Hearings

4.1

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

4.2

Telephone Hearings have replaced Face-to-Face Hearings as the primary Tribunal Hearing method (Face-to-Face is still an option, where circumstances necessitate it), requiring no travel or related costs by either party or the TPT, and a decision often given during a call. The TPT also began to trial video hearings in 2018, and is continuing this further in 2019.

4.3

The table below provides a breakdown of cases by decision method for the period April to November 2019/20, alongside figures for the same period in 2018/19.

Breakdown of decision method					
	TOTAL Cases	e-Decision	Face -to-face Hearing	Telephone Hearing	Video Hearing
2019/20 (Apr–Nov)	17,492	14,891	6	2,576	19
2018/19 (Apr–Nov)	15,316	13,185	13	2,104	14

5. Case Closure

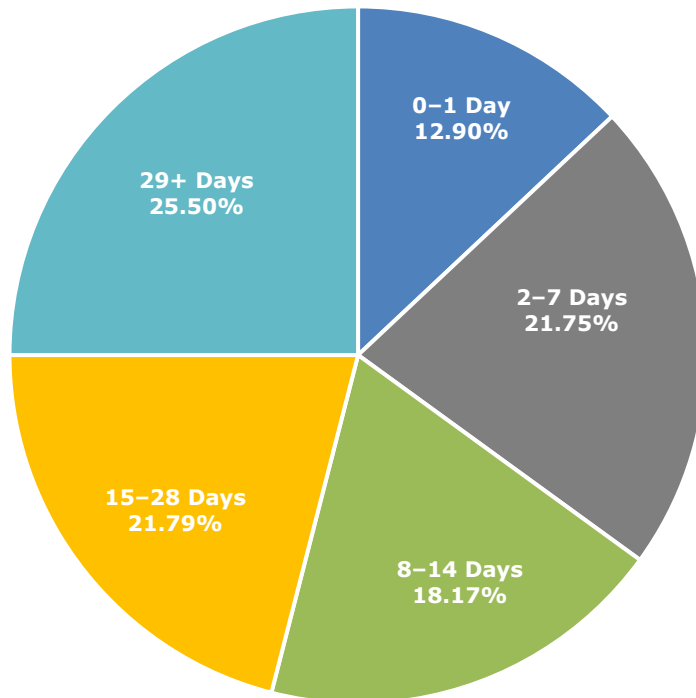
5.1

Appealing to the Traffic Penalty Tribunal is a judicial process and whilst 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. For appellants and authorities, case resolution times provide a clear window on the efficiency and usability of the online system and associated improved business processes.

5.2

The pie chart below shows appeal case closure times from April to November this year (2019/20), in terms of numbers of days. More than half of cases during this period were closed within 14 days, with nearly three quarters of cases closed within 28 days.

FIG 4: Case closure times (all decisions)
(Apr–November 2019/20)



- 12.90% of cases were resolved in **0–1 day**
- 21.75% within **2–7 days**
- 18.17% in **8–14 days**
- 21.79% in **15–28 days**
- 25.5% in **29 days+**

In effect, these figures show that three quarters of cases (75%) appealed to the TPT are resolved within 28 days.

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

6. Helping ‘offline’ appellants

6.1

The TPT has long recognised the importance of complementing the online system with an experienced customer service team, in order to provide support to appellants in making an appeal.

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

6.2

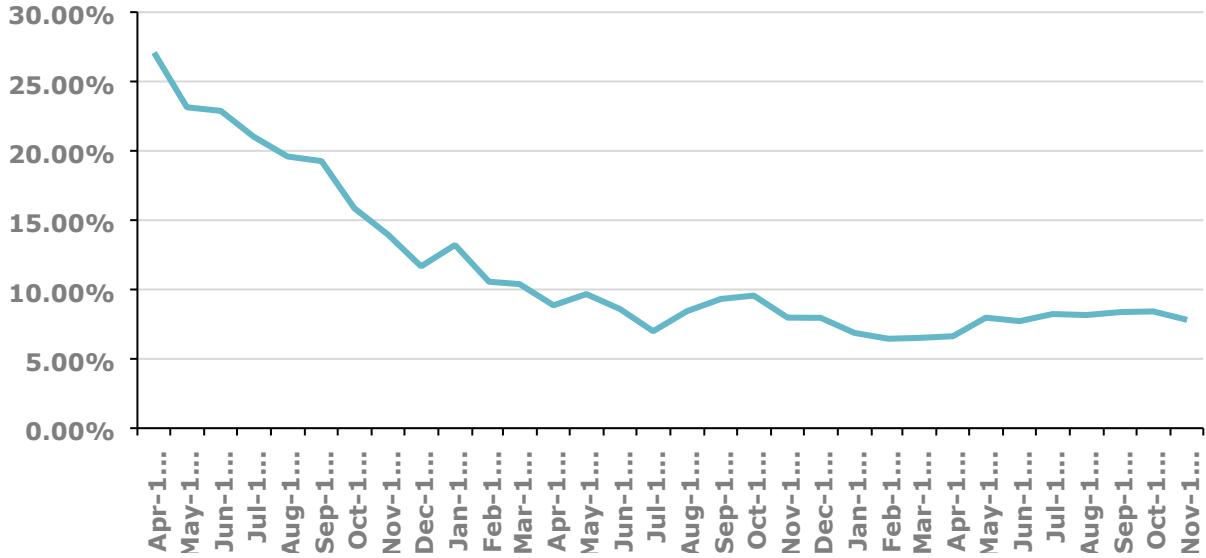
For the small percentage of people who do find it initially difficult to go online, the TPT provides ‘Assisted Digital’ support. In line with the stipulations set out in the Government’s Digital Service Standard, Assisted Digital at the TPT provides an active form of customer engagement with appellants, to ‘walk through’ the online appeal submission process and / or complete it on their behalf (by ‘proxy’).

Contact with the TPT customer service team remains available throughout the process should it be required, including through instant messaging and Live Chat functionality within the FOAM system.

6.3

While support is there for appellants who need it, the percentage of cases submitted by proxy is reducing, broadly (see below). It is accepted there will be fluctuations, however.

FIG 5: Percentage of proxy cases as a total of all appeals
(Apr 2017 – November 2019)



6.4

The Tribunal does recognise, however, that there will be appellants who, because of their ability, confidence or preference, still choose to request a paper form be sent to them. Once returned, these cases will be submitted to the online system by the TPT customer service team. The case is shown as online for the authority, but all communications to the appellant will be carried out via post.

A survey is being carried out in the coming months to assess the reasons such appellants choose not to appeal online using the FOAM system.

7. Live Chat

7.1

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

7.2

The TPT conducts regular surveys with Live Chat users. Excerpts from survey responses received from April to November this year (2019/20) are included below and overleaf.

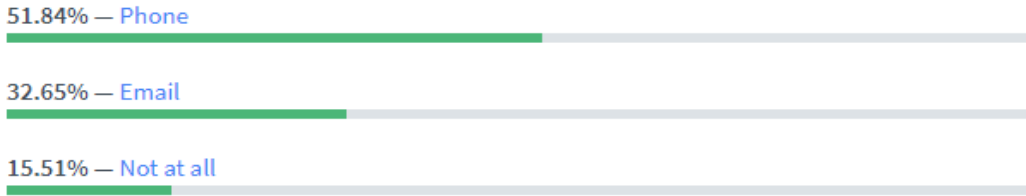
What is your query regarding? (694 answers)

Dropdown | Required

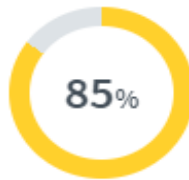


How would you have contacted us if Livechat wasn't available. (245 answers)

Choice list | Optional



Average satisfaction rate



Industry's average satisfaction rate

Rated good

196 (92%)

Rated bad

18 (8%)

Was the issue resolved during the chat? (248 answers)

Choice list | Required



7.3

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

- TPT agents are able to add links to the chats, which can take appellants to the exact page they need to be in FOAM.
- TPT agents can see the website pages the appellant has already viewed and whether they have a case already.
- Chat volumes are relatively low (approx. 5–10 chats per day) with feedback very positive – average chat satisfaction rate is recorded as 92%, whilst 72% feedback that their issue was resolved within the chat.
- The majority of those who have used Live Chat indicated that they would have contacted the Tribunal by phone had the Live Chat facility not been available.

7.4

A recent review has taken place of the common themes arising from the chats, which will help the team further develop FOAM and provide the best user experience possible

The team are also looking to roll-out the Live Chat function across further areas of the TPT website to encourage more use. It is currently only available from the 'I want to appeal' page (the portal into the FOAM system), onwards.

8. Local Authority Workshops

8.1

The visibility and insight into the issues that impact both authorities and the motorist, seen through the course of appeals to the TPT, have helped to allow the PATROL Joint Committee of over 300 local authorities (which fulfils a statutory duty to make provision for the independent adjudication provided by the TPT) become a strong, representative voice on civil parking and traffic enforcement in England and Wales outside London.

One of the primary forums for engagement between these authorities to share experience and best practice over the last few years has been the annual Regional Local Authority Workshops that PATROL has facilitated across England and Wales, supported by the Adjudicators of the TPT.

8.2

The workshops have allowed local authority members to get together, share ideas and insight on parking and other traffic management enforcement, and to discuss how they respond to representations and appeals. The workshops have also been designed to encourage a fair and reasonable approach to challenges, reminding authorities of the statutory obligation to properly consider representations. In essence, instilling a consideration and appreciation of the purpose of civil traffic enforcement.

8.3

A series of workshops for 2019/20 was held in September and October 2019. While the workshops provided a forum for open dialogue and discussion between authorities, topics included:

- Shedding light on Adjudication: Including an update from TPT Chief Adjudicator, Caroline Sheppard OBE; the adjudicator and authority perspective on decision making, and the chance to test your knowledge.
- Key traffic management updates impacting enforcement: Including progress on the roll-out of Charging Clean Air Zones and PATROL's engagement with the Transport Committee Pavement Parking Inquiry.

- Best practice in using the TPT's Fast Online Appeals Management (FOAM) system: Including the submission of evidence and Witness Statements.
- Annual reporting: Adopting digital channels and tools to produce a compelling Annual Report, supported by a new online PATROL Annual Report Toolkit.

Dates and locations of the 2019/20 workshops were as follows:

- Newcastle - 17 September 2019: The Life Sciences Centre
- Manchester - 18 September 2019: The Imperial War Museum
- Llandrindod Wells – 24 September 2019: The Metropole Hotel
- Coventry – 25 September 2019: Coventry Transport Museum
- Buckinghamshire – 1 October 2019: The Dairy, Waddesdon Manor
- London – 2 October 2019: The Museum of London
- Exeter – 8 October 2019: Exeter Castle
- Portsmouth – 9 October 2019: The Royal Navy Historic Dockyard

8.5

A selection of feedback collated from the 2019/20 workshop attendees can be found below:

- ***I have only just joined the parking team, within my local authority so it was new for me, with a lot of information I haven't accessed as yet.***
- ***I found it very valuable to discuss similar issues we are all experiencing with our authorities.***
- ***As always Iain delivered a very informative and enjoyable workshop.***
- ***Interesting input from adjudicators view.***
- ***All points raised were useful as my authority have only just commenced with CPE; Witness Statement and evidence reports particularly useful.***

8.6

A further round of regional workshops will be held in 2020 together with additional workshops focusing on charging clean air zones and electric vehicles.

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES Executive Sub Committees

Date of Meeting:	28 th January 2020
Report of:	The Director on behalf of the PATROL and BLASJC Resources Working Group and Sub Committee.
Subject/Title:	Report of the PATROL and BLASJC Resources Working Group meeting held 7 th January 2020.

1.0 Report Summary

- 1.1 To report on the PATROL and BLASJC Resources Working Group and Sub Committee meeting held 7th January 2020.

2.0 Recommendations

- 2.1 To note the matters discussed at the meeting held 7th January 2020.
- 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 issues 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 last meeting took place on 7th January 2020, was chaired by Councillor Stuart Hughes and undertook the following:
- a) Reviewed a Public Affairs Update. This is reported under separate cover.
 - b) Reviewed the reporting of Traffic Penalty Tribunal statistics. This is reported under separate cover.
 - c) Received an update on plans to review the resources required to meet obligations over the next five years.
 - d) Reviewed draft agendas, financial papers reported separately.
 - e) Reviewed procurement falling outside the Joint Committee's financial regulations,
 - f) Reviewed the draft risk management report, reported separately.
- 7.3 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and those set out in the Public Affairs Update and report back to the subsequent meetings of the Joint Committee Executive Sub Committees at the annual Joint Committee meetings in July 2020.

8.0 Recommendation

- 8.1 To note the matters discussed at the meeting held 7th January 2020.
- 8.2 To approve the Resources Sub Committee and Working Group overseeing matters highlighted in the report and reporting to the annual Joint Committee meetings in July 2020.

9.0 Access to Information

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

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

PATROL and Bus Lane Adjudication Service Joint Committees Executive Sub Committees

Date of Meeting: 28th January 2020

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

PATROL Public Affairs Overview January 2020

1. Introduction

With a membership of over 300 local authorities, PATROL is uniquely placed to understand the local authority perspective on civil enforcement matters whilst at the same time having regard to the issues that matter to motorists through the experience of appeals to the Traffic Penalty Tribunal.

The Resources Working Group and Sub Committee has been overseeing a range of public affairs initiatives on behalf of the PATROL and the Bus Lane Adjudication Service Joint Committees and their Executive Sub Committees.

The following report provides an update on activities in the following categories:

- Current Issues
- Future trends in transport and their impact
- Public Information – Parking Annual Reports

Each sub-section within these categories is split into:

- Background
- Update
- Next Steps

2. Current Issues

(i) Moving Traffic Powers

Objectives: To support and contribute to the call for the government to introduce the remaining powers of Part 6 of the Traffic Management Act 2004.

Background

The Traffic Management Act 2004 (TMA) was originally conceived to give local authorities a consistent civil enforcement framework to apply to all parking and traffic management schemes.

The Act also offered the public checks and balances beyond the existing Road Traffic Act (RTA), including the redress of procedural impropriety and the imposition of a statutory duty on authorities to consider compelling reasons in appeals.

The TMA was not, however, brought into force when in 2005, English local authorities instead commenced bus lane enforcement under the Transport Act 2000 (TA). This may have been due to the regulatory process of the TMA having been started but not allowing the bus lane enforcement powers to come under the Act at that time.

In 2007, the civil enforcement of parking restrictions in England was brought under the TMA; an evolution of powers having previously been first de-criminalised under the RTA.

With only Parking enforcement in England coming under the TMA in 2007 – while bus lane enforcement remained under the TA – a disparity and frustration in the ethos of the single, consistent civil enforcement framework originally conceived of the TMA was created.

The Welsh Government originally followed England's lead, but realised the importance of bringing parking, bus lane and the additional power to enforce moving traffic restrictions under the TMA.

Any movement to rectify the disparity in powers coming under different Acts in England has undoubtedly been influenced by issues that have arisen in London, where the civil enforcement of traffic contraventions has been legislated under several London Local Authority Acts.

PATROL has surveyed member authorities in relation to their likelihood of taking up these powers were they made available. It is clear that local authorities in England (outside London) have an interest in these powers and are willing to support any actions taken to raise awareness with Ministers. The Local Government Association (LGA) published a report in 2017 "A country in a jam: tackling congestion in our towns and cities". PATROL has engaged with the Local Government Association and circulated details of the LGA survey on local authority views on moving traffic enforcement. The LGA survey results were presented to the PATROL Executive Sub Committee meeting in October 2019.

Furthermore, the Transport Committee in two recent inquiries: "Bus Services in England Outside London" published in May 2019 and "Active Travel – increasing levels of walking and cycling in England" (July 2019) included a recommendation that the government should look to introduce moving traffic enforcement in England (outside London) to reduce congestion.

The government's response to the first report was to "consider it carefully" and in relation to the second rejected it citing concerns about the volume of penalties issued and revenue raising.

However, In October, Transport Secretary Grant Shapps indicated that he could move to grant English authorities the right to issue penalty charges for moving traffic offences: *"I have been looking at powers outside of London provided to local areas to do some of these things, and think that I'll shortly be making an announcement."*

Update

The Transport Committee in two recent inquiries: "Bus Services in England Outside London" published in May 2019 and "Active Travel – increasing levels of walking and cycling in England" (July 2019) included a recommendation that the government should look to introduce moving traffic enforcement in England (outside London) to reduce congestion.

The government's response to the first report was to "consider it carefully" and in relation to the second rejected it citing concerns about the volume of penalties issued and revenue raising.

In October, Transport Secretary Grant Shapps indicated that he could move to grant English authorities the right to issue penalty charges for moving traffic offences: *"I have been looking at powers outside of London provided to local areas to do some of these things, and think that I'll shortly be making an announcement."*

In addition, the planned introduction of diesel bans in some locations may require these powers to be available to local authorities.

Next steps

PATROL has been liaising with the LGA on their communications on these powers and will be developing a complimentary briefing document.

(ii) Clean Air Zones

Objectives: To bring experiences from road user charging enforcement and appeals to the government and local authority plans to introduce Clean Air Zones, where these are charging clean air zones (CAZ).

Background

In its [Clean Air Strategy 2019](#), the Government identifies nitrogen oxide (NO_x) concentrations around roads as an 'immediate and urgent' air quality challenge, with road transport being responsible for some 80% of all NO_x concentrations at the roadside.

This follows the *UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations*, published in 2017 and supplemented in 2018, which mandated local authorities in England to develop plans to bring roadside concentrations of nitrogen dioxide (NO₂) within legal limits in the shortest possible time.

- Five City Councils were originally mandated by the Department for Environment, Food & Rural Affairs (Defra) under the 2017 / 18 plan to reduce NO₂ levels: Birmingham, Derby, Leeds, Nottingham and Southampton. These authorities were also instructed to include the potential of introducing a Clean Air Zone (CAZ) in their plans – and whether this would include a charging scheme.
- In March 2018, a further 23 local authorities were instructed by Defra to take steps to reduce roadside emissions and 33 to carry out studies on reducing NO₂ air pollution in their areas.
- In November 2018, the Welsh Government published its [supplemental plan](#) to the UK plan for tackling roadside nitrogen dioxide concentrations, which directed the councils of Cardiff and Caerphilly to undertake an assessment by 30 June 2019 to achieve NO₂ limit values within the shortest possible time.

Types of Charging CAZ

There are four types of Charging CAZ, which will be indicated on signs through the letters A–D.



A: Buses, coaches, taxis and private hire vehicles



B: As above, plus Heavy Goods Vehicles (HGVs)



C: As above, plus Light Goods Vehicles (LGVs)





D: As above, plus cars

Overview of current local authority plans

A detailed overview of authority plans for CAZs (not all charging at this stage) can be found in the table below.

ENGLAND			
Location	Zone proposed	Current status	Further information
Basildon	TBC	<ul style="list-style-type: none"> Non-Charging CAZ, combined with other air quality measures (submitted to Defra March 2019). Changes to include small Charging CAZ on section of A127 requested by Defra July 2019. Council voted against the notion of introducing a Charging CAZ – discussions with Defra ongoing. 	Essex Highways
Bath		<ul style="list-style-type: none"> Approved by Councillors in March 2019 Final plans opened up to public consultation Sep 2019 before submission to Defra 5 December 2019. Launch proposed for November 2020. 	Bath & North East Somerset Council
Birmingham		<ul style="list-style-type: none"> Approved by Defra March 2019. Launch originally proposed January 2020; now indicated July 2020. Charges:	Birmingham City Council Business Breathes

		<ul style="list-style-type: none"> ○ Cars, Taxis (Hackney Carriages & Private Hire), LGVs: £8 / day ○ HGVs, coaches and buses: £50 / day ○ A number of exemptions apply 	
Bradford	TBC	<ul style="list-style-type: none"> • Online survey to gauge public opinion launched July 2019. • Business case due for submission early 2020. 	Bradford Council
Bristol		<ul style="list-style-type: none"> • Council has agreed a ban on private diesel cars in central area of the city (£60 penalty considered in plans) • To be accompanied by a Class C zone in outer ring. • Plans submitted to Defra for approval in Nov 2019 (decision to be delayed until new year) • Plans will be implemented in March 2021, if approved. 	Bristol City Council Clean Air for Bristol
Broxbourne	TBC	<ul style="list-style-type: none"> • Hertfordshire County Council / Broxbourne Borough Council instructed by Defra to draw up plans for Charging CAZ on area surrounding a stretch of the A10 near Broxbourne 	Broxbourne Borough Council BBC News
Cambridge	TBC	<ul style="list-style-type: none"> • Feasibility study on clean air measures published May 2019. • Further consultation expected. 	Cambridge City Council
Coventry	TBC	<ul style="list-style-type: none"> • Directed by Defra to implement a Charging CAZ in May 2019. • Currently in discussion with Defra over next steps. 	Coventry City Council
Leeds		<ul style="list-style-type: none"> • Approved by Defra January 2019. • Launch originally proposed January 2020; now indicated July 2020 at earliest (council has confirmed due to delay with payment collection scheme and vehicle checker tool) • Charges: <ul style="list-style-type: none"> ○ Taxis (Hackney Carriages & Private 	Leeds City Council

		<p>Hire): £12.50 / day.</p> <ul style="list-style-type: none"> ○ Minibuses (from 2022): £12.50 / day. ○ HGVs, coaches and buses: £50 / day. ○ A number of exemptions apply. 	
<p>Manchester (Greater Manchester Combined Authority) – Bolton, Bury, Manchester, Salford, Stockport, Tameside, Trafford</p>		<ul style="list-style-type: none"> • Proposal submitted to Defra March 2019; changes requested July 2019. • Launch date TBC (proposed for two phases between 2021-2023). <ul style="list-style-type: none"> ○ Phase 1: Buses, coaches, HGVs, Taxis and PHVs. ○ Phase 2: Vans and minibuses. • Consultation to follow. 	<p>Clean Air Greater Manchester</p>
<p>Newcastle, Gateshead and North Tyneside</p>		<ul style="list-style-type: none"> • Charging Class D zone rejected after public consultation in July 2019. • Consultation on alternative plans for a Class C zone closed 27 November, indicating widespread support. • Council has backed the plan; Defra approval pending. • Any scheme would launch in 2021. 	<p>Gateshead Council</p>
<p>Portsmouth</p>		<ul style="list-style-type: none"> • Plan for Charging Class B zone approved by council September 2019; submitted to Defra for approval October 2019. 	<p>Portsmouth City Council</p>
<p>Sheffield</p>		<ul style="list-style-type: none"> • Consultation currently underway. • Launch date proposed for 2021. 	<p>Sheffield City Council</p>

WALES			
Location	Zone proposed	Current status	Further information
Cardiff	TBC	<ul style="list-style-type: none"> Charging CAZ removed from air quality plan following public consultation. Welsh Government instructed authority to reconsider a charging CAZ, but has now agreed alternative non-charging plans as of January 2020. 	Cardiff City Council

Update

It is anticipated that the first authorities to activate charging clean air zones (CCAZ) in July 2020 will be Leeds City Council and Birmingham City Council. Bath and North East Somerset Council plans to introduce its CCAZ in November 2020. PATROL and TPT is liaising with the Joint Air Quality Unit (JAQU) with regard to the supporting technology (vehicle checker and national payment portal). The latter will handle payments for the charge whilst local authorities will be required to take payment using their own systems. PATROL and TPT are working with authorities to plan for the introduction of this first wave of schemes in 2020 and those who are preparing for implementation thereafter.

The overview of schemes over the previous pages is also available on an updated basis on the PATROL website <https://www.patrol-uk.info/charging-clean-air-zones-status-update-january-2020/>.

Next steps

- To continue to liaise with DEFRA
- To hold a follow up C-CAZ workshop in the new year.

(iii) Pavement Parking

Objectives: To contribute evidence and solutions to the government's exploration of how local authorities outside London can more effectively enforce pavement parking, streamlining the regulatory regime and demonstrating the benefits for local communities.

Background

In 2016 the then Minister, Andrew Jones, convened a roundtable discussion on pavement parking. This was attended by the Chief Adjudicator and Chair of the PATROL Advisory Board. Discussion focused on the local authority concerns regarding the ability to introduce and enforce pavement parking prohibitions outside London were issues relating to the processing of Traffic Regulation Orders.

In August 2017 the Department for Transport published a consultation document “Accessibility Action Plan Consultation – A Transport System that is open to everyone”. The consultation included a section on unauthorised pavement parking. PATROL submitted a response to the consultation.

The consultation document refers to a survey on the wider Traffic Regulation Order (TRO) process in terms of the current situation, the costs and timescales for processing TROs and information about options for change. Representatives from PATROL and the Traffic Penalty Tribunal met with civil servants at the Department for Transport and outlined the challenges of the TRO making process generally and, in particular, for pavement parking and set out the option of introducing obstruction as a contravention. Parking Review invited PATROL to outline its position on pavement parking and this was published in March.

Since the meeting, it is understood that the Department for Transport will also be looking specifically to gather evidence on the effectiveness or not of current regulatory frameworks for pavement parking.

Pavement parking was an issue picked up in a number of parking annual reports. Two of the shortlisted councils (Devon County Council and Derby City Council) outlined steps they had taken to address the issue.

The Stakeholder Engagement Manager, Iain Worrall, incorporated feedback on pavement parking into the Summer 2018 workshops and this was drawn upon as part of the evidence submission to the Department for Transport. Over 50 authorities indicated an interest taking part in further discussions on this subject.

Three Pavement Parking Workshops were held one with members and two in the North and South of England with a mixture of local authority members and officers. The latter two received a presentation from the Department for Transport with the lead civil servant listening to the feedback from delegates on this issue.

A clear message from PATROL’s workshops is that local authorities are looking to build upon existing powers to tackle pavement parking in a way that meets the specific needs of their community rather than a “one size fits all” approach.

Officers attending the workshop said they face constant calls to enforce against obstruction but are currently powerless to intervene. A small number of local authorities have introduced schemes prohibiting footway parking but these tend to focus on geographically distinct areas such as city centres. Authorities shared examples of education projects they were undertaking to raise awareness of the problems of pavement parking and other street clutter.

There was a consensus that adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the Traffic Management Act 2004 would provide local authorities with the power to take targeted enforcement action against pavement parking in a proactive and reactive way. There was also considerable interest in the potential of the contravention of obstruction to apply to vehicles parked in proximity to junctions which would be beneficial in terms of road safety.

The workshops highlighted that civil enforcement officers were already undertaking dropped kerb enforcement and had demonstrated that this could be done proportionately. Dealing with obstruction in off-street carparks is also commonplace. A number of authorities have outlined the challenges that an overall ban could mean for some communities.

There was also overwhelming agreement that any new measures need to be accompanied by public information to ensure that motorists understand what is required of them.

A meeting was held with the Minister, Jesse Norman, on 18th March 2019 to discuss the issue and an explanation was provided of the challenges for some local communities of a national pavement parking ban and the potential of introducing obstruction as a civil contravention which could be introduced quickly without the need for changes to primary legislation.

The Transport Committee launched an inquiry into Pavement Parking on 2nd April 2019 which is ongoing. A briefing note was prepared and a submission to the Transport Committee Inquiry. The Director gave evidence to the Inquiry as part of a Local Authority Panel.

The Department for Transport has announced its intention to review Traffic Regulation Order (TRO) legislation. The review is being launched by Future of Transport Minister George Freeman MP. This review will take place over the next 16 weeks (from 2 September 2019) to produce a set of proposals for legislative change, building on the research conducted by GeoPlace and the Transport Focus User Group.

The Transport Committee has published its report and recommendations including consulting on a new offence of obstructive pavement parking, making such an offence subject to civil enforcement under the Traffic Management Act 2004 and introducing relevant legislation by summer 2020. This was a preferred option from the PATROL workshops and featured in the PATROL submission to the transport committee, providing powers in a timely way pending any plans to introduce a national pavement parking ban.

<https://www.patrol-uk.info/pavement-parking-transport-committee-2019/>

The Deputy Minister for Economy and Transport of the Welsh Government announced that a Taskforce Group was to be set up to consider all issues around "Pavement Parking". PATROL and the Traffic Penalty Tribunal are represented on that Group.

Update

PATROL and the Traffic Penalty Tribunal continue to assist the Welsh Government in their plans through the Pavement Parking Taskforce Group.

Next steps

To liaise with the Department for Transport regarding their response to this inquiry.

(iv) The Parking (Code of Practice) Act 2019

Objectives: To bring the experiences of civil enforcement and adjudication to plans to introduce a single Code of Practice to the private parking sector promoting fairness and transparency.

Background

Sir Greg Knight (Conservative Member of Parliament for East Yorkshire) sponsored this Private Member's Bill. In Sir Greg's words:

“Self-regulation hasn’t worked and we need to put this on a statutory footing to stop motorists being ripped off. We need to have a fairer, more transparent and consistent enforcement system. “

There has been coverage in the media of issues relating to parking on private land and on land owned by public authorities (e.g. NHS hospital parking), including:

- Practices which could be in breach of consumer protection laws, such as companies setting excessive parking charges, or levying excessive penalties for overstaying which are dressed up as official “parking fines”.
- Practices that undermine the principle underlying the formation of a contract, including unclear or missing signage, or a lack of transparency on charges and/or fines.
- Failure to treat drivers fairly when they have incurred a penalty, including the failure to provide information, consider appeals fairly and the aggressive use bailiffs.
- Some have called for specific action, including the introduction of a binding code of practice; for mandatory membership of an accredited trade association; or a rethink of whether the rules about access to the DVLA database are robust enough

The new Act in summary

The Government has stated that the act will result in:

- End unfair parking fines by rogue private parking firms
- Private parking firms will need to follow a new Code of Practice
- Drivers will be able to challenge unfair fines through a new independent appeals service.
- A new single Code of Practice will ensure parking is consistent, transparent and easier to understand. If private parking firms break it, they could be barred from making data enquiries from the DVLA to enforce tickets.

The Local Government Minister, Rishi Sunak will now put in place the code of practice and appeals and scrutiny mechanisms that the Act provides. It is expected that the code will be drafted later in 2019 with industry stakeholders and will provide clarity in a single set of rules for private parking with clearer processes of appeals.

The Secretary of State will also have the power to raise a levy on the sector to fund the production, publishing and enforcement of the code. That levy will also cover the cost of appointing and maintaining a single appeals service.

A single code is intended to set a higher standard across the sector, especially in the area of appeals

A Car Parks as a Service workshop was held in London in August attended by a range of local authorities with representation from the MHCLG and the Vehicle Certification Agency. The purpose is to establish how local authorities can build upon their experience of delivery a car park service to meet future demands whilst at the same time assisting the introduction of single code or practice for private car park operators. A briefing note is in preparation.

Update

The Ministry of Housing Communities and Local Government has confirmed that the single Code of Practice will be developed by the British Standards Institution. The department is also gathering evidence on the parking appeals and tribunals generally. They have been provided with an introduction to the Traffic Penalty Tribunal and a demonstration of the online appeal system.

Next steps

To update the Joint Committee on the implementation of this Act.

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

Background

The Government has confirmed that the lower band of penalty charges will be retained, to give local authorities the discretion to reduce their parking penalties, if elected councillors wish to adopt such a policy. The response points to the intention to adopt the Welsh model of listing higher level contravention types in an Order while publishing the specific contravention codes in guidance. The Government will seek to amend the 2007 Order to this effect.

Currently London Councils performs a coordinating role on behalf of all councils in the review of contravention codes. PATROL has offered to undertake this role on behalf of outside London Councils.

PATROL has confirmed its willingness to undertake this role.

Update

Contravention codes for Wales have recently been updated using their separate arrangements.

Next steps

To liaise with the Department for Transport to establish when the order might be amended.

(v) Camera enforcement and cycle lanes

Background

The Department for Transport has been carrying out a cycling and walking safety review, considering how to make cycling and walking safer and more attractive modes of transport.

The Department has now concluded that review and has [announced several new policy measures](#) designed to address some of the problems that have been raised.

The enforcement of cycle lanes was a major theme emerging from the initial call for evidence; many cyclists felt that motorists who drive and park in cycle lanes have little chance of being caught, and consequently there is very little deterrence against this behaviour.

The Department has accepted these concerns, and in response, they have announced that they will make it easier for local authorities to tackle vehicles parking in cycle lanes.

The intention is to amend the 2015 regulations which largely banned the use of cameras by councils for parking enforcement in order to insert an exemption for mandatory cycle lanes. In practical terms, therefore, local authorities will be allowed to use camera devices (e.g. fixed CCTV or camera cars) to enforce parking restrictions (e.g. yellow lines) in mandatory cycle lanes (i.e. cycle lanes marked by solid white lines). There will be no change to the separate moving traffic offence of driving in a mandatory cycle lane; this offence is not being decriminalised and will remain under police enforcement. It is not anticipated at this stage that there will be any further changes to camera enforcement. Evidence suggests that some local authorities are deploying red route enforcement as a result of this.

<https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>

There is no confirmed date for this legislative change however it is anticipated that there will be a further update in Spring. The government has also signalled its intention to review the Highway Code.

Update

PATROL and the Traffic Penalty Tribunal has liaised with the Department for Transport in respect of their proposals. There is not further update at this time.

3. Future trends in transport and their impact

(i) Low emission vehicles

a) Consultation on the introduction of Green Number Plates

Background

This consultation is seeking views on the eligibility, design, roll out and enforcement issues in respect of the introduction of green number plates for ultra-low emission vehicles. The consultation runs until 14th January 2019

Update

The PATROL submission is enclosed at Appendix 1.

b) Responding to the challenge of electric vehicles

Background

The government has issued a “league table” of charging availability across the UK. The recent local authority workshops identified that local authorities face a number of challenges in this area

Next steps.

- Arrange the Electric Vehicle workshop in March 2020 to receive updates on the national picture from the Department for Transport and the Office for Low Emission

Vehicles (OLEV) and share the experiences of local authorities who have made significant developments in this area.

- As part of PATROL's commitment to improving public information about traffic management and enforcement, to work with Brighton & Hove City Council and the Behavioural Insights Team on a shared communication project with permit holders and general messaging around electric vehicles.

ii) The Future of Urban Mobility: Urban Strategy

Background

The Department for Transport issued "The Future of Mobility: Urban Strategy" on 19th March 2019. A link to the document is set out below:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/786654/future-of-mobility-strategy.pdf

The document reports the intention to undertake the biggest regulatory review in a generation around new transport modes including: micro mobility; mobility as a service (MAAS), transport data including national parking standards and bus, taxi and PHV legislation.

Update

None at this time

(ii) Joint response to Law Commission / Scottish Law Commission Automated Vehicles: A joint preliminary consultation paper

Background

This consultation is seeking views on the legal implications of the introduction of road-based automated vehicles.

Next steps

To respond to any, follow up questions from the Law Commission.

(iv) Transport Committee 2020 Inquiry into national road pricing

Background

With the prospect of reducing fuel duty with the move to electric and alternative fuels, the Transport Committee will be undertaking an inquiry into the national road pricing.

4. PATROL commitment to improving public information on civil enforcement: PARC Awards (Parking Annual Reports by Councils)

Objectives: To support and share best practice in the production of local authority parking annual reports in order to promote transparency and a greater public understanding of traffic management and civil parking enforcement.

Background

The PARC Awards recognise the local authorities that have articulated and communicated on parking services; appeals and finances in their area in a compelling and well-structured way through the production of an Annual Report.

PATROL was delighted that Huw Merriman MP was able to sponsor the 2019 Awards Reception. Huw is MP for Bexhill and Battle and is a member of the Transport Select Committee.

Huw shared some valuable insights and encouragement to local authority attendees on the importance of their mission to improve the communication of parking and other civil enforcement activities within their areas.

PATROL was delighted that the then Minister for Local Government Rishi Sunak sent a video message of support and ask his Senior Policy Advisory and Bill Manager, Sarah McLean to speak to the reception about the Parking (Code of Practice) Act 2019.

The event was attended by a range of MPs, civil servants, Councillors and Council Officers.

The awards were presented as follows:

Overall Winner: Brighton & Hove City Council
Highly Commended for reporting in:

Customer Service: Devon County Council

Innovation & New Services: North Essex Parking Partnership

Finance and Statistics: Joint Winners: Durham County Council and South Lakeland District Council

The Award for Outstanding Digital Format: Newcastle City Council

Cheshire East Council, Sedgemoor District Council and Sunderland City Council were also shortlisted.

Links to the shortlisted authority reports are set out below:

- [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](#)
- [Sunderland City Council](#)

Update

Introducing the... Digital Annual Report Toolkit

A Digital Annual Report Toolkit has been launched at the September/October 2019 regional workshops. This aims to provide additional support to local authorities in the production of their reports.

Key features

- Video testimonials from PATROL members on producing an Annual Report.
- ‘Six Steps to Success’ to help in the preparation and production of an Annual Report.
 - Features a dedicated section on embracing digital channels, including an example of a video introduction from PATROL PARC (Parking Annual Reports by Councils) Awards winner this year, Newcastle City Council.
- Comprehensive information on entering a 2018/19 Annual Report for the next Awards, including a video overview of this year’s events.
- Links to best practice examples of Annual Reports produced by authorities shortlisted for the PARC Awards this year, together with PATROL’s online library of Annual Reports.

It is the intention for the Digital Annual Report Toolkit to become a ‘living resource’, so PATROL will look to add further content to the site in the future. Please feel free to provide feedback on the site as you use it.

The toolkit can be found using the link below

<https://www.patrol-uk.info/introducing-the-patrol-digital-annual-report-toolkit/>

The 2018/19 Awards

The closing date for 2018/19 reports is Friday 31st January 2020

New Approach to Judging Awards

Brighton & Hove City Council has had an enviable track record in winning prizes for its annual report at the PARC Awards. PATROL is delighted that Paul Nicholls, Parking Strategy and Contract Manager will use his sector knowledge and experience in providing consistently accessible and

informative updates to the public to judge the competition instead of competing this year. PATROL has asked Paul to bring fresh ideas and suggestions for the judging process.

PATROL will also be promoting the importance of integrated reporting of all civil enforcement undertaken by authorities.

Update

We are delighted to announce that Huw Merriman MP has once again kindly agreed to host this year's awards ceremony on 14th July 2020.

Green number plates for ultra low emission vehicles

Introduction

Thank you for responding to the 'Green number plates for ultra low emission vehicles' consultation.

Your responses will help decide the introduction of green number plates for ultra low emission vehicles (ULEVs) including the:

- eligibility
- design
- rollout
- enforcement

We suggest you read the full consultation document which contains the background information and proposals in full.

The closing date for responses to consultation is 14 January 2020.

Confidentiality and data protection

The Department for Transport (DfT) is carrying out this consultation to decide on the introduction of green number plates for ultra low emission vehicles including the:

- eligibility
- design
- rollout
- enforcement

This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the controller for this information.

As part of this consultation we're asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.

If you are responding for an organisation we will ask for the organisation name.

[DfT's privacy policy](#) has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer.

Your information will be kept securely and destroyed within 12 months after the consultation has been completed. Any information provided through the online questionnaire will be moved to our internal systems within 2 months of the consultation end date.

Response to *Green number plates for ultra low emission vehicles* consultation

Submitted by:

PATROL

PATROL (Parking and Traffic Regulations Outside London)
www.patrol-uk.info

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SK9 5BG

About PATROL

The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises 313 local authorities in England (outside London) and Wales.

The principal function of the Joint Committee is to make provision for independent adjudication in respect of appeals against penalties issued for traffic contraventions by enforcement and charging authorities in England (outside London) and Wales.

Adjudication is delivered through the **Traffic Penalty Tribunal (TPT)**. TPT adjudicators are wholly independent lawyers, appointed with the consent of the Lord Chancellor, and are supported by a small team of administrative staff, who provide customer support. The TPT is the UK's first fully online tribunal and decides ~25,000 cases a year.

The Adjudicators decide appeals against civil enforcement penalties issued by authorities for parking, bus lane, littering from vehicles and (in Wales only) moving traffic contraventions, as well as appeals arising from road user charging enforcement (including from the Dartford-Thurrock River Crossing, Mersey Gateway Bridge Crossings and the Durham Road User Charge Zone). It is anticipated that from 2020, road user charging appeals arising from charging Clean Air Zones will be determined by the TPT Adjudicators.

PATROL represents its member authorities on traffic management issues of mutual interest, whilst also taking into account the motorist's perspective – as seen through appeals to the TPT.

PATROL also promotes best practice in public information to increase understanding of traffic management objectives. This includes the annual PARC (Parking Annual Reports by Councils) Awards held at the House of Commons.

PATROL member authorities comprise each type of local authority and a spectrum of political allegiances – a representative voice on civil traffic enforcement outside London, through the sharing of issues, insight, evaluation and best practice from a broad and diverse geographic area.

(Right) Authority coverage in orange; lighter shade reflects authorities where civil enforcement is not in operation.



Personal details

1. Your name and email address (only used if we need to contact you).

Your name
Your email

2. Are you responding as: *

- an individual? (go to 'Our proposals')
- on behalf of an organisation?

Organisation details

3. Your organisation's name is?

Our proposals

This consultation is into how the green number plates should be delivered and sets out government's initial view and reasoning on a range of aspects of the policy, inviting comment on these matters including:

- eligibility
- design
- rollout
- enforcement

Our aim with this approach is to focus the response of industry and the public, to ensure an outcome that is deliverable and minimises risk for other important policy areas.

The green number plate scheme must secure and maintain credibility, and the trust and confidence of stakeholders and the public. This means it must:

- minimise risk to other policy areas
- be futureproofed so that it does not get outdated by market change
- be deliverable within existing structures and contexts, and in timescales that are appropriate to capture the growing ULEV market

Eligibility for green number plates

Our proposed position is that eligibility should be set at zero emission vehicles only (e.g. full battery or hydrogen fuel cell electric). This is due to being simple and transparent, and very easy for consumers to understand. It incentivises the cleanest vehicles, and would be futureproofed against rapid technology change, staying effective as a strong communications and behavioural tool to support the 2040 policy objectives.

4. Do you agree with our proposal that only zero emission vehicles would be eligible for green number plates?

- Yes (Go to 'Plate design')
- No
- Don't know? (go to 'Plate design')

Against only zero emission vehicle eligibility

5. Why not, including what requirement you think would be more suitable instead and why?

Plate design

Our proposed position is for a green design on the left hand side of the number plate. This is because:

- of the risks to Automatic Number Plate Recognition (ANPR) cameras and problems associated with the reduced contrast of a full green background
- designs on the left hand side of the plate are more easily implemented and so more likely to be able to be brought in sooner

Our initial preference is for the design on the left hand side of the plate to be a green flash rather than a green symbol, as it creates a more dominant identifier.

Design concepts for a:

- full green background with black characters is shown at figure 1
- green flash on the left hand side of the number plate is shown at figure 2
- green symbol on the left hand side of the number plate is shown at figure 3

Figure 1



Figure 2



Figure 3



6. Do you agree with our proposal that the green number plate design should be restricted to the left hand side of the number plate?

- Yes (Go to 'Plate design')
- No
- Don't know? (Go to 'Plate design')

Against left hand design placement

7. What you think would be more suitable and why?

Plate design

8. For the design on the left hand side of the number plate, do you think this should be:

- a green flash? (Go to 'Plate design')
- a green symbol? (Go to 'Plate design')
- something else?

Alternative symbol design

9. Specify your other ideas for the design using the left hand side of the plate (attach any plan or files for your design with your return).

Comments:

Plate design

10. Should the left hand design be displayed in addition to national flags and lettering that can occupy that area of the plate?

- Yes (Go to 'Rollout')
- No
- Don't know? (Go to 'Rollout')

Against other emblems and letters

11. What other views and reasoning on the design of the green number plates do you feel should be considered?

Rollout

We propose that:

1. the requirement for green number plates is non-mandatory
2. when green number plates are supplied it must be done on a customer opt out basis

12. Do you agree with our proposal that the green number plates should not be mandatory?

- Yes (Go to 'Rollout')
- No
- Don't know? (Go to 'Rollout')

Against non-mandatory requirement

13. What you think would be more suitable and why?

If one of the purposes is to raise awareness of zero emission vehicles, a mandatory process would achieve this more effectively, as all such vehicles would be required to be visible.

Rollout

14. Do you agree with our proposal that the green number plates should be opt-out?

- Yes (Go to 'Rollout')
- No
- Don't know? (Go to 'Rollout')

Against opt-out

15. Why not, including what requirement you think would be suitable?

Rollout

We propose that green number plates would be available to qualifying:

- cars
- vans
- taxis
- motorcycles

but not apply to:

- buses
- coaches
- heavy good vehicles

Whilst we are not ruling out that green number plates could be applied to heavy vehicles in the future, they currently present a different proposition.

16. Do you agree that green number plates should be available to:

	Yes	No	Don't know?
cars	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
vans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
taxis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
motorbikes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why?

For reasons stated in 13 and for consistency across all classes of vehicle.

17. Do you agree that green number plates should not be available to:

	Yes	No	Don't know?
buses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
coaches	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
heavy goods vehicles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Why?

The proposal wishes to plan for the long term; future developments for a range of vehicles should be provided for. One of PATROL's local authority members has already indicated its desire to restrict bus operation solely to electric vehicles in specific locations.

We propose the introduction of green number plates would be available to both new and existing qualifying vehicles.

18. Do you agree that after the introduction of the plates both new and existing qualifying vehicles should be able to access them?

- Yes (Go to 'Enforcement')
- No
- Don't know? (Go to 'Enforcement')

Against rolling out for new and existing vehicles

19. Why not?

Enforcement

Our proposed policy position is for a light touch scheme that fits into the existing number plate landscape in the UK and can be delivered in appropriate timeframes to support policy goals. This means:

- national enforcement would fall under the existing enforcement landscape around the supply and display of licence plates
- formal local enforcement around accessing local incentives would be likely be via the local authority reading vehicle plates through ANPR and checking vehicle details

We are exploring both of these aspects further.

Under this proposed approach there would be no material benefit from local incentives by displaying a green number plate, unless you had a qualifying vehicle. Our suggested practice to local authorities would be that display of green number plates should not be mandatory for eligible vehicles accessing any local incentive policies they decide to bring in.

20. Do you agree with our proposal to seek a light touch scheme that can be implemented more quickly so as to capture the emerging ULEV market?

- Yes (Go to 'Enforcement')
- No
- Don't know? (Go to 'Enforcement')

Against the light touch approach

21. Why not, including what approach you think would be suitable with your reasons?

Enforcement

22. Do you agree with our proposal that the scheme should fit into the existing regulatory and enforcement landscape around the supply and display of eligible plates?

- Yes (Go to 'Soft enforcement')
- No
- Don't know? (Go to 'Soft enforcement')

Against regulatory and enforcement proposal

23. Why not?

Soft enforcement

24. Do you agree that green number plates should only be used as an identification aid, and that enforcement of local authorities' incentives will require other means (likely via ANPR reading of the plate characters and checking vehicle details)?

- Yes (go to 'Costs')
- No
- Don't know? (go to 'Costs')

Against soft enforcement mechanism

25. Why not, including what approach you think would be suitable?

Costs

26. What are your views, if any, about the expected costs of implementing this policy?

Final comments

27. Any other comments?

The definition of 'ultra low emission' needs to be consistently applied across all enforcement schemes to avoid confusion for motorists, and resulting representations and appeals.

Currently, there will be a varied landscape of eligibility criteria for vehicles entering proposed charging Clean Air Zones (CAZs), Ultra Low and Zero Emission zones across the country, so the proposed green number plate and its eligibility criteria needs to be simple to understand.

However, the green plate could not be a single determinant of eligibility to enter CAZs, as areas may not be restricting eligibility to ultra low emission vehicles. The current process of ANPR enforcement and vehicle registration mark capture would need to continue for these schemes.

Furthermore, as number plates are not currently secure items, produced by a range of suppliers and rely on police enforcement, enforcement authorities will still need to use the vehicle registration mark to determine the class of vehicle for CAZs, etc.

In terms of public awareness, PATROL anticipates that there will be a national publicity campaign, as well as local campaigns, ahead of the roll-out of charging CAZs later this year. With such a varied and complex mix of eligibility criteria for these schemes, the effectiveness of public information at a national and local level, together with awareness through scheme design and signage will be vital to maintain public engagement and support. Raising awareness of the eligibility criteria for green number plates should be integrated with this.

Ultimately, adjudicators of the Traffic Penalty Tribunal will determine the outcome of road user charging appeals arising from civil penalties issued by local authorities enforcing such zones.

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

Date of Meeting: 28 January 2020

Report of: The Director

Subject/Title: Risk Management Framework

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

None at this time

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:

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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. We are grateful to input from Cheshire East Council in reviewing our approach to managing and reporting risks and feedback from officers and members.

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 follow:

"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
- 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.

A core principle for the tribunal has been providing an accessible tribunal which is proportionate to the jurisdiction. It is recognised that for most appellants, appealing to the tribunal will be the only time they come into contact with the judiciary. For this reason, the tribunal seeks to provide access to adjudication which is simple to use and timely for appellants in England and Wales.

The focus for the delivery of adjudication is:

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

The Traffic Penalty Tribunal is committed to the principles of Digital by Design and the provision of Assisted Digital Support to support people who are unable to or need assistance to appeal online. The tribunal’s online appeal system has received national and regional awards and its levels of customer service has also been commended. The FOAM (Fast Online Appeal Management) initiative and the collaboration between more than 300 local authorities has been cited as a digital exemplar.

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 report 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.

5. Corporate Risks

Ref & Type	Risk Description (Including Cause, threat and impact upon outcomes)	Risk Owners	Rating and Direction	Comments
CR1	<p>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</p>	Chief Adjudicator and Stakeholder Manager.	4 ↔	<p>The net risk rating is 4 low. The tribunal has a fully scalable online system and a flexible adjudicator and staffing model. A further part-time adjudicator recruitment exercise will be undertaken in 2020.</p> <p>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.</p>
CR2 Threat	<p>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.</p>	Director and Central Services Manager	8 ↔	This rating has reduced from 9 reported to the July 2019 meeting and reflects internal and external audit assurance concerning financial management. The introduction of new enforcement schemes continues to be assessed.
CR3 Threat	<p>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</p>	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 the General Data Protection Regulation 2016 and Data Protection Act 2018.

	<p>support the needs of the organisation and users such that (threat) the statutory service is not accessible to all and (impact) appeals cannot be adjudicated online.</p> <p>Potential breach of General Data Protection Regulations 2016 and Data Protection Act 2018.</p>			
CR4 Threat	<p>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</p>	Chief Adjudicator & Director	6 ↔	<p>This rating remains unchanged - medium. Continued monitoring of workload and capacity, training and appraisals combined with documentation of processes and procedures and the delegations to the Resources Sub Committee act to mitigate this risk including the development of a five-year plan to meet future demands.</p> <p>A further part-time adjudicator recruitment exercise will be undertaken in 2020.</p>
CR5 Threat	<p>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.</p>	Central Services Manager & Stakeholder Engagement Manager	6 ↔	<p>This rating is medium A detailed DR plan is held and reviewed each quarter. This is accessible to all managers and has clearly defined responsibilities. This plan acts to mitigate this risk. This plan is due to be reviewed and as such is on the 'watch' list</p>