

PATROL Adjudication Joint Committee Executive Sub Committee

Agenda

Date: Tuesday 30th January 2018
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 31 October 2017** (Pages 1 - 8)

To approve the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held on 31 October 2017

4. **Chair's Update**

To provide an update on developments since the meeting in October 2017

5. **Wales Update**

To receive a report on civil traffic enforcement in Wales

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PATROL Joint Committee
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6. **PATROL and BLASJC Resources Working Group and Sub Committee**
(Pages 9 - 24)

To report on the PATROL and BLASJC Resources Working Group and Sub Committee's meeting held on 9 January 2018

7. **Internal Audit Interim Report** (Pages 25 - 36)

To note the findings of the interim internal audit visit December 2017

8. **Budget Monitoring 2017/18** (Pages 37 - 42)

To note income, expenditure and reserves at 30 November 2017 together with the projected outturn at 31 March 2018

9. **Service Level Agreement between the Joint Committees and Cheshire East Council**

To approve the variations to the service level agreement with the Host Authority for 2018/19

10. **Revenue Budget for 2018/19** (Pages 43 - 50)

To establish the Joint Committee's Revenue Budgets for 2018/19

11. **Reserves Policy Statement** (Pages 51 - 54)

To approve the reserves policy statement for 2018/19

12. **Annual Investment Strategy** (Pages 55 - 56)

To approve the annual investment strategy 2018/19

13. **Defraying the Expenses of the Joint Committee 2018/19** (Pages 57 - 60)

To approve the basis for defraying the expenses of the Joint Committee 2018/19

14. **Risk Management Report** (Pages 61 - 68)

To note the latest review of the Risk Register

15. **Chief Adjudicator's Update**

To receive a verbal report from the Chief Adjudicator

16. **General Progress Report** (Pages 69 - 80)

To provide information in respect of the tribunal's activities and initiatives

17. **Date of Next Meetings**

10 July 2018 Church House, Westminster followed by PARC (Parking Annual Reports by Councils) Awards at the House of Commons

31 October 2018 Church House, Westminster

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Minutes of a meeting of the **PATROL Adjudication Joint Committee**
held on Tuesday, 31st October, 2017 at Bishop Partridge Hall, Church House,
Westminster, SW1P 3NZ

PRESENT

Councillor Jamie Macrae (Cheshire East Council) in the Chair

Councillors

Councillor Kevin Anderson - Wigan Metropolitan Borough Council
Councillor Graham Burgess - Hampshire County Council
Councillor Vanessa Churchman - IOW Council
Councillor Simon Cronin - Worcester City Council
Councillor Matthew Dickins - Sevenoaks District Council
Councillor Terry Douris - Dacorum Borough Council
Councillor Joe Hale - Swansea City and County Council (Assistant Chair
Wales)
Councillor Stuart Hughes Devon County Council
Councillor Alan Kerr - South Tyneside Council
Councillor Martin King - Wychavon District Council
Councillor Nigel Knapton -Hambleton District Council
Councillor Sally Longford - Nottingham City Council
Councillor Tony Page - Reading Borough Council
Councillor Marje Paling - Gedling Borough Council
Councillor Steve Pearce - Bristol City Council
Councillor Marilyn Peters - Dartford Borough Council
Councillor Chris Turrell - Bracknell Forest Council
Councillor Stuart Whittingham - Wirral Metropolitan Borough Council

Officers in attendance

Sarah Baxter – Cheshire East Council
Andy Diamond – PATROL
Louise Hutchinson – Director PATROL
Stephen Knapp – Deputy Chief Adjudicator
Caroline Sheppard – Chief Adjudicator
Iain Worrall – Traffic Penalty Tribunal

21 APPOINTMENT OF CHAIR, VICE CHAIR AND ASSISTANT CHAIR OF THE EXECUTIVE SUB COMMITTEE

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

RESOLVED

That Councillor Jamie Macrae (Cheshire East Council) be appointed Chairman;

Councillor Stuart Hughes (Devon County Council) be appointed Vice-Chairman;

Councillor Terry Douris (Dacorum Borough Council) be appointed Assistant Vice-Chairman.

Councillor Macrae took the Chair.

22 CONFIRMATION OF ASSISTANT CHAIR (WALES)

Members welcomed the appointment of Councillor Joe Hale of City and County of Swansea as Assistant Chair (Wales).

RESOLVED

That the appointment of Councillor Joe Hale of City and County of Swansea as Assistant Chair (Wales) be noted.

23 APOLOGIES FOR ABSENCE

Apologies for absence were reported: Councillor Peter Robinson (Tameside), Councillor Mike Brookes (Lincolnshire), Councillor Eileen Lintill (Chichester), Councillor Mike Smith (Stockton), Councillor Ian Gillies (York), Councillor Keith Baldry (South Hams), Councillor Pat Coleman (Dartford), Councillor Mark Shelford (Bath and North East Somerset Council) Councillor Jayne Innes (Coventry), Councillor David Payne (Newark and Sherwood)

24 DECLARATIONS OF INTEREST

There were no declarations of interest.

25 MINUTES OF THE MEETING HELD ON 31 JANUARY 2017

RESOLVED

That the minutes of the meeting held on 31 January 2017 be approved as a correct record.

26 MINUTES OF THE MEETING HELD ON 11 JULY 2017

RESOLVED

That the minutes of the meeting held on 11 July 2017 be approved as a correct record.

27 CHAIR'S UPDATE

The Chairman informed the Sub Committee of the sad news that the Chairman of PATROL had passed away suddenly. Ken Gregory had been extremely supportive of the Traffic Penalty Tribunal and the Joint Committee and would be terribly missed. He served as a Councillor at

both Thanet District Council and Kent County Council. The Sub Committee's thoughts were with his family, friends and colleagues. The Chairman informed Members that he would be writing to the Leader of Kent County Council to express the Joint Committee's condolences.

Since the last meeting, the Chairman reported that Wokingham Borough Council had commenced civil parking enforcement which brought the number of member authorities to 310.

The new Mersey Gateway Bridge Crossing had opened to traffic on the 14th October with "freeflow" tolling – at present no appeals had yet been received.

The Chairman reported the FOAM online appeal system continued to develop and Members would later have a demonstration of the new Witness Statement Process. The Authority Engagement Manager had been obtaining feedback on the system as part of his recent series of workshops in England and Wales and this continued to be positive. FOAM also reached the finals at the National Transport Awards' Excellence in Technology" Award and Society of IT Managers' Collaborative Working Award.

Following a recent consultation, the Government was planning to introduce new powers for Local Authorities to issue penalties for littering from vehicles from April 2018. At the time of the consultation some 20 Authorities expressed interest in using these powers. FOAM would be able to accommodate vehicle littering appeals.

PATROL and Traffic Penalty Tribunal had been chosen as Event Partners for Parking World which was taking place at The Kia Oval next Thursday – 9th November. Louise Hutchinson had circulated details of the event and if anyone was interested in attending, they should approach Louise.

Finally, the new PATROL website would be going live this week.

RESOLVED

That the update be noted.

28 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE

Consideration was given to a report of this meeting at which consideration had included arrangements in place for the appeals arising from penalties issued for failure to pay a charge at the Mersey gateway Bridge between Runcorn and Widnes, new areas of adjudication including the introduction of Clean Air Zones and plans to introduce powers to enforce littering, public affairs, the progress of FOAM (Fast Online Appeal Management), Finance and HR matters and governance.

The Director informed Members that there was a small typographical error on page 25 of the report and that reference to 'February 2018' should have been included after the word 2nd, last sentence of the first bullet.

The Chairman suggested that it might be helpful for those Members who had day to day contact with MPs ensured that there was support for the Private Member's Bill-Parking (Code of Practice) Bill as attendance at the second reading might not be high. He suggested a reminder could be circulated to Members of the Sub Committee if not more widely highlighting when the Bill was due to have its second reading.

Members were advised that the terms of the Bill had yet to be published and that it was necessary to have a single code of practice which would be devised by an independent body to be determined by Government. The independent body would be responsible for establishing a Committee to draw up the Code of Practice. There was some debate about the single appeal process and it was not yet clear if this would be included within the Bill.

It was felt that Members were well aware of the issues of parking on private land and pavement parking. In response the Director advised that the Chief Adjudicator and Chair of the Advisory Board had attended Pavement Parking Round Table with the then Minister, Andrew Jones to look at issues in respect of pavement parking. A consultation on this matter was ongoing and the deadline for responses was 15 November 2107. She stated that she would alert Local Authorities when the next consultation would be and that it would be helpful if responses could be submitted.

In addition, the Director reported that a new 5-year lease on Springfield House had been entered into with Cheshire East Council.

RESOLVED

That approval be given to the Resources Sub-Committee and Working Group overseeing the matters highlighted in the report and that a report be made to the next meeting of the Executive Sub-Committee.

29 AUDIT COMMISSION SMALL BODIES ANNUAL RETURN FOR THE YEAR ENDED 31 MARCH 2017

The Committee was asked to consider the findings of the external auditors for 2016/17 and to seek approval of the review of the Scheme of Financial Delegation first approved at the meeting in October 2015.

At its meeting on 11 July 2016 the Joint Committee had approved the draft annual return for 2016/17 and also the appointment of BDO LLP to audit its annual returns for the period 2015/16 to 2017/18 and this was now attached as an appendix to the report. No issues were arising from the audit save for a variation of £1.

The Director informed Members that the conclusion of the process had seen a favourable audit. There was a revised scheme of delegation to reflect changes in personnel. A query was raised in respect of the Finance Officer being the only designated authorising officer in respect of income adjustments of £350,000 relating to journals. In response the Director confirmed that the reasoning behind this could be looked at and that she would provide assurance in a follow up email to the Member querying the matter.

RESOLVED

1. That the findings of the external auditor for 2016/17, as shown in Appendix 1 of the report, be noted.
2. That approval be given to the PATROL and Bus Lane Adjudication Service Local Scheme of Financial Delegation, as set out in Appendix 2 of the report.

30 BUDGET MONITORING, REVIEW OF RESERVES AND THE BASIS FOR DEFRAYING EXPENSES 2017/18

Consideration was given to this report on the basis for defraying expenses during 2017/18. Details were given of the General Reserve, Property Reserve and the Technology Reserve along with a summary of the overall position at 31 August 2017.

The Director reported that the budget for the year 2017/18 had been approved at the meeting of the Executive Sub-Committee at its meeting on 31 January 2017 and the report now presented the expenditure position at 31 August 2017. The Tribunal operated on a self-financing basis and details were given of its income, expenditure and reserves.

Five months into the financial year and PATROL had produced a surplus with part of the surplus being ring-fenced to Highways England.

It was queried whether or not option two outlined in the report would set a downward trend in reserves and why a single penny change could not be implemented in respect of PCNs. In response the Director stated there was a significant free reserve and it was considered to be a reasonable step to take to reduce by 5 pence. It was, however, something that could be looked at in the future.

Concerns were raised that the organisation had too much money in reserves. Concerns were also raised about the prudence of reducing to 35 pence. After considerable debate it was agreed to reduce to 35 pence backdated to 1st April 2017.

RESOLVED

1. That the income, expenditure and reserves at 31 August 2017 be noted.
2. That the options for defraying expenses as set out in section 12 of the report be noted and that option (iii) i.e. to reduce the contribution to 35 pence per PCN backdated to 1 April 2017 be adopted.

31 RISK REGISTER

Members were asked to consider the latest review of the risk register which had been reviewed in accordance with the risk Management Strategy, and the further actions to be taken as set out in the appendix.

Particular reference was made to IT needs. New data protections regulations were due in 2018, however the systems and documentation would be reviewed to make sure data processes were reflecting the new regulations. A further update would be provided in January 2018.

RESOLVED

1. That the risk register be noted.
2. That it be noted that a review of Risk Management was being undertaken and the presentation of the risk register would change with effect from January 2018.

32 WALES UPDATE

Councillor J Hale gave his thanks to Welsh colleagues for nominating him as Assistant Chair (Wales).

He informed the Sub Committee that currently Swansea and Cardiff were the only councils in Wales enforcing bus lanes, Cardiff was enforcing moving traffic and Swansea were in the process of applying for these powers. Eighteen of the twenty-two Councils in Wales now undertake civil parking enforcement. Gwent Police has confirmed that it intended to withdraw from parking enforcement from April next year but indicated that it would continue to enforce pending the transfer of powers to the Council.

In addition, he understood that nine Welsh authorities attended the recent Traffic Penalty Tribunal/PATROL workshop held in Llandrindod Wells and that the feedback had been positive.

RESOLVED

That the update be noted.

33 CHIEF ADJUDICATOR UPDATE

The Chief Adjudicator gave an oral update on the continuing roll out of FOAM. She advised that seven training sessions had taken place in nine days. One of the reasons that the roll out had worked so well was down to the fact that the same person had carried out all of the training sessions. Feedback in respect of the seven training sessions had been positive. She thanked Iain Worrall for his support with workshops.

FOAM was now a case study for the Courts and Tribunal reforms. In addition, she outlined the digital assistance service which provided help from Customer Service representatives to those who didn't want to go online themselves. There was potential for the system to act as a 'model' for the Courts.

Further information was provided in respect of the process regarding fines and witness statements.

RESOLVED

That the update be noted.

34 GENERAL PROGRESS

Members gave consideration to a report summarising the Traffic Penalty Tribunal appeals activity for the six-month period to 30 September 2017.

RESOLVED

1. That the six-month summary of appeals be noted.
2. That the progress on other tribunal initiatives be noted.

35 DATES OF NEXT MEETINGS

RESOLVED

That the next meetings be held on 30 January 2018, 10 July 2018 and 30 October 2018.

The meeting commenced at 11.00 am and concluded at 12.30 pm

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PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Executive Sub Committees

Date of Meeting:	30 th January 2018
Report of:	The Director on behalf of the PATROL and BLASJC Resources Working Group.
Subject/Title:	Report of the PATROL and BLASJC Resources Working Group meeting held 9 th January 2018.

1.0 Report Summary

- 1.1 To report on the PATROL and BLASJC Resources Working Group meeting held 9th January 2018.

2.0 Recommendations

- 2.1 To note the matters discussed at the meeting held 9th January 2018.
- 2.2 To approve the Resources Sub Committee and Working Group overseeing matters highlighted in the report and reporting back to the next meeting of the Executive Sub Committees.
- 2.3 To approve the additional note at 7.2 (e) in relation to operation of the Joint Committee's General Ledger for the purposes of the Scheme of Financial Delegation approved in October 2017

3.0 Reasons for Recommendations

- 3.1 To update the Joint Committees' Executive Sub Committees

4.0 Financial Implications

- 4.1 The Resources Working Group 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 2017 meetings of the Joint Committees resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives with resource and public affairs implications on their behalf.

7.2 The last meeting took place on 9th January 2018, was chaired by Councillor Macrae and considered the following items:

a) Mersey Gateway Bridge Crossings

Noted that appeals had been received in respect of Road User Charging penalties issued at the Mersey Bridge Crossing.

b) New areas of adjudication for the Traffic Penalty Tribunal

Noted the following planned new areas of enforcement and appeals:

i) Clean Air Zones

One of the five original clean air zones identified by the government, Leeds City Council has published its proposals which includes charges for HGVs, buses, taxis and private hire vehicles but not for private vehicles. There will be a consultation paper in the new year. The proposed charges are £100 for buses/coaches, £100 for HGVs and £12.50 for taxis and private hire. Following the consultation, the proposals will require government approval. Leeds is one of the original five councils identified by the Government to introduce measures to combat roadside nitrogen dioxide, the others are Birmingham, Nottingham, Derby and Southampton.

As reported to the Joint Committee in July 2017, a further twenty-two local authorities outside London were identified as having roadside nitrogen dioxide exceedances (in some cases relating to a single stretch of road) in the government's UK plan for tackling roadside nitrogen dioxide published in July 2017. These councils are expected to submit action plans to the Government, not necessarily involving clean air zones, by March 2018. Amongst these, Sheffield City Council's new clean air strategy has ruled out charges for cars, taxis and private hire vehicles. Should finalised proposals include charging schemes, independent adjudication will be provided by the Traffic Penalty Tribunal. Discussions are being held with DEFRA in relation to local authority Clean Air Zones introduced with powers deriving from the Transport Act 2000

ii) Littering from Vehicles

Following a public consultation as part of the launch of England's first ever Litter Strategy in April 2017, the Government is planning to introduce new powers for local authorities to issue penalties in relation

to littering from vehicles in 2018, subject to parliamentary progress of the draft regulations “Environmental Protection, England. The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2017”. The Government has said that councils should take into account local circumstances, such as local ability to pay, when setting the level for these fines. Government guidance will be issued to ensure the new powers are used in a fair and proportionate way by local authorities. At the time of the consultation, around 20 authorities outside London indicated that they may utilise these new powers. Discussions are being held with DEFRA in relation to this new area of enforcement and appeals. The Traffic Penalty Tribunal will hear appeals arising from penalties issued by local authorities in this respect.

c) Public Affairs

- (i) Noted the coverage in “Parking Review” of PATROL and the Traffic Penalty Tribunal’s involvement as event partners at Parking World 2018.
- (ii) Noted the new PATROL website and its continued development including the introduction of public information items/videos and that the next issue of the PATROL newsletter would be issued mid-January.
- (iii) Noted that following the recent government reshuffle, steps would be made to finalise the arrangements for the PATROL Annual Report Awards Reception in the Terrace Pavilion at the House of Commons on 10th July 2018. The deadline for annual report submissions is 31st January 2018.
- (iv) Noted the response to the section on unauthorised pavement parking in the Department for Transport’s Draft Transport Accessibility Action Plan – A Transport System that is open to everyone (Appendix 1). The government intends to issue a consultation on the traffic regulation order making process and PATROL will draw this to the attention of member authorities as well as preparing its own response.
- (v) Noted the impact on one local authority of the current process for handling witness statements and that information about the wider impact is being sought.
- (vi) Noted the planned collection of evidence amongst member authorities in respect of the impact of not having the remaining powers of Part 6 of the Traffic Management Act 2004
- (vii) Received an update on the Private Member’s Bill – Parking (Code of Practice) Bill sponsored by Sir Greg Knight which aims to make provision for a single code of practice containing guidance about the operation and management of private parking facilities. The bill which

has cross-party support was presented to Parliament on 19th July 2017 is expected to have its second reading on 2nd February 2018.

- (viii) Noted the consultation “Remote parking and motorway assist: proposals for amending regulations and the Highway Code” and that the matter would be raised with member authorities and a response submitted.
- (ix) Noted the report from The Money Advice Trust “Mapping local authority debt collection practices in England and Wales” which makes a number of recommendations in respect of improving debt collection practices and that this would be circulated for information to local authority officers and members.

d) FOAM (Fast Online Appeals Management)

Noted the progress of FOAM (Fast Online Appeal Management) development with the introduction of new functionality to manage witness statements which is now available to all authorities. The Traffic Penalty Tribunal continues to receive interest from other tribunals who are seeking to move to an online service.

e) Finance Matters

- (i) Noted the satisfactory outcome of the interim Internal Audit visit in December 2017. A report will be presented to the Executive Sub Committee.
- (ii) Noted procurement falling outside the Joint Committees’ Financial Regulations
- (iii) Reviewed the financial papers being presented to the Committees’ Executive Sub Committees on 30th January 2018
- (iv) Reviewed the risk report being presented to the Joint Committee’s Executive Sub Committees.
- (v) The Director reported that following feedback at the October 2017, the Scheme of Delegation wording would be reviewed to make it clearer.

The wording presented to the October 2017 meeting in respect of the General Ledger was:

General Ledger

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

Area of Delegation	Limit (£)	Designated Authorising Officers	Notes
		Manager	
Amendments to budgeted amounts	All	Central Services Manager Director	

To be replaced with:

Area of Delegation	Limit (£)	Designated Authorising Officers	Notes
Journals	£350,000 in respect of income adjustments	Finance Officer	<i>To provide additional control and authorisation of accounting adjustments we have introduced a limit on any adjustment made. In respect of accounting adjustments for Income the Finance Officer is authorised to make adjustments up to £350,000 to allow for adjustments of timing of Income.</i>
Journals	Adjustments above £350,000 in respect of Income	Central Services Manager	<i>All Income adjustments above this amount will be authorised by the Central Services Manager or Director</i>
Journals	£20,000 in respect of expenditure codes	Finance Officer	<i>Expenditure accounting adjustments the limit is £20,000.</i>
Journals	Above £20,000 in respect of expenditure codes	Central Services Manager Director	<i>All entries with a value greater than £20,000 will be authorised by the Central Services Manager or Director</i>
Amendments to budgeted amounts	All	Central Services Manager Director	<i>Any changes to budgeted amounts will be authorised by either the Central Services Manager or Director irrespective of value.</i>

Area of Delegation	Limit (£)	Designated Authorising Officers	Notes

f) Governance

Noted progress with the review of the PATROL and BLASJC Agreements and that the Director is working with the Host Authority Cheshire East Council (CEC) to finalise the second five-year agreement (2018 – 2023) with CEC entering into a new coterminous lease for the offices in Wilmslow.

7.3 It is proposed that the Resources Working Group and Sub Committee oversee the above matters and report back to the July 2018 meetings of the Joint Committees.

8.0 Recommendation

8.1 To note the matters discussed at the meeting held 9th January 2018.

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

8.3 To approve the additional note at 7.2 (e) in relation to operation of the Joint Committee's General Ledger for the purposes of the Scheme of Financial Delegation approved in October 2017

9.0 Access to Information

9.1 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

Response to Department for Transport Accessibility Action Plan

1. Introduction

The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises over 300 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 parking penalty charge notices issued by local authorities. This is delivered through the Traffic Penalty Tribunal which comprises 30 adjudicators and their support staff.

The statutory function of the Adjudicators of the Traffic Penalty Tribunal is to hear and decide appeals brought against Penalty Charge Notices (PCNs) issued by authorities in England (outside London) and Wales that operate civil parking, bus lane and moving traffic enforcement under the Traffic Management Act 2004 and Transport Act 2000. Adjudicators also consider appeals against PCNs issued for failing to pay a charge at the Dartford-Thurrock River Crossing (where the enforcement authority is the Secretary of State for Transport), the Durham Peninsular and the Mersey Gateway Bridge Crossings under the Transport Act 2000.

In addition, the Joint Committee recognises the importance of public information to promote understanding of the civil parking enforcement. To this end it has produced a leaflet and web site explaining the enforcement process www.patrol-uk.info

PATROL also represents its member authorities on traffic management issues of mutual interest and promotes best practice in public information to increase understanding of traffic management objectives.

On behalf of its member local authorities PATROL welcomes the opportunity to respond to the Department for Transport's Accessibility Action Plan, specifically on the question on pavement parking (Action 39).

Summary of Responses

- Greater London's ban on footway parking which has been in operation since 1974 operates on the assumption that pavement parking is banned everywhere and that exceptions, where pavement parking is permitted, are signed.
- Outside London pavement parking causes significant problems for local authorities and their communities in terms of accessibility and additional maintenance costs.
- Feedback from a survey of authorities at the time of the Pavement Parking Bill going through Parliament in 2015 indicated that a quarter of the 130 respondents were enforcing pavement parking, 42% would consider enforcing with new powers, with 53% waiting to see the detail of the powers before deciding. Authorities were enforcing through single/double line restrictions, traffic regulation orders and pavement/verge parking bans. 40% of authorities had experienced problems enforcing parking in this way.
- Community requests for action in respect of pavement parking in one authority, Devon County Council, following the introduction of a reporting function in August 2015 resulted in 2000 reports being received identifying issues in over 120 communities in Devon. The County Council has introduced educational leaflets in areas where enforcement isn't possible.

https://www.patrol-uk.info/annual_reports/Devon%20County%20Council/Devon-County-CouncilParking-Enforcement-Report-2015-16-4.pdf

- PATROL welcomes the government's intention to review the Traffic Regulation Order making process. It is the overwhelming view of the PATROL member authorities that the current regulatory process for changing traffic orders, set out in the Local Authority Traffic Orders (Procedure)(England and Wales) Regulations 1996, is subject to a prescribed, long drawn-out and expensive process. This in itself is a barrier to an authority being responsive to the expressed needs of the community.
- PATROL is willing to assist in any review of the Traffic Regulation Order making process. The Traffic Penalty Tribunal hosts an online resource of 19,000 local authority traffic regulation orders.
- In addition to reviewing the traffic regulation order procedure, an immediate solution has been highlighted by Caroline Sheppard OBE, Chief Adjudicator for England and Wales i.e. to add "obstruction" as a contravention subject to civil enforcement. An outline proposal is included in this response and further detail can be provided. PATROL is prepared to coordinate public information across all its

authorities and to commission, for example, a public information video for YouTube together with social media awareness campaign of the new contravention.

2. Current position for Local Authorities (outside London) attempting to effectively tackle pavement parking

The view of our local authority members is that vehicles parked on pavements cause significant problems and potential danger to people who are blind or partially sighted, and to wheelchair users, children in prams and pushchairs among others. Many of our local authority members in England and Wales receive frequent representations from disabled groups and others asking them to tackle pavement parking in their area. Indeed, members of the public often incorrectly assume that councils already have powers to issue Penalty Charge Notices to any vehicle parked on the pavement, in line with the Greater London ban on footway parking (1974). This is often based on the Highway Code requirement that driver 'shall not park on the pavement' which although not a legal requirement outside London conveys the importance of only parking on the road or carriageway.

Due to the drafting of some regulations, they only apply to the carriageway or road. This includes pedestrian crossings and dropped kerbs, where pavements are not protected as a matter of course. Councils outside London can ban pavement parking in a specific area by advertising a Traffic Regulation Order and considering any objections. If minded to implement a ban, they must sign the boundaries and include repeater signs within the area, in line with the Traffic Signs and General Directions (TSRGD) requirements. The process itself is resource intensive and expensive, often costing several hundred pounds in signage costs alone, just to ban parking in one street. The process also adds to street clutter and obstacles for the visually impaired. In practice, following implementation of a pavement parking ban the problem can result in displacement of pavement parking to surrounding streets not covered by the ban.

It is noted that the Transport Select Committee in 2006 said "The Government must grip the problem of pavement parking once and for all and ensure that it is outlawed throughout the country... rather than relying on the use of individual Traffic Regulation Orders on specific streets and local Acts to impose a ban."



3. Scale of the problem in England and Wales outside London

Devon County Council has sought to identify the scale of the pavement parking problem within the County. A reporting mechanism has been provided to the public to identify where they are affected by pavement parking. Where instances of pavement parking occur adjacent to existing waiting restrictions or dropped crossing points, enforcement can be provided utilising traditional Civil Parking Enforcement powers. Elsewhere either educational leaflets, consideration of restrictions, or, no further action would need to be considered.

However, the vast majority of instances are at locations without existing restrictions. Since launching the reporting function in August 2015, over 2000 reports have been received identifying issues in over 120 communities within Devon, in many cases having multiple locations identified as of concern in each community. The public perception is that pavement parking is a significant issue.



Feedback from our local authority members on the issue of pavement parking

It is clear that pavement parking is a significant issue for our members who are also conscious of their duties under the Equalities Act 2010. In response to this and the Pavement Parking Bill going through parliament in 2015, PATROL conducted a survey of our local authority members in England and Wales (outside London) on the subject of pavement parking. Over 130 responses were received from our local authority members before the Pavement Parking Bill was withdrawn;

Q. Does your Local Authority enforce pavement parking?

Yes 24% No 76%

Q. Are you aware of the Pavement Parking Bill 2014/15 currently going through Parliament?

Yes 74% No 26%

Q. Would you consider enforcing pavement parking if this Bill becomes legislation?

Yes 42% No 5% I would need more information 53%

Q. How do you currently enforce pavement parking?

A range of answers were provided mainly;

Through the use of single /double yellow line restrictions.

Through the use of Traffic Regulation Orders and a pavement /verge parking ban.

Q. Have you encountered any problems enforcing pavement parking in this way?

Yes 40% No 60%

If yes, please explain

Comments here ranged from concerns about the cost of signage and repeater signs within a pavement parking ban area. Concerns about not being able to enforce pavement parking on single yellow lines after restrictions ended. Suggestions that the Highway Code could be clearer that yellow line restriction apply up to the building line and not just the road.

Concerns about enforcement officers determining the boundaries of public / private land.

Q. Are you aware of the Pavement Parking Bill 2014/15 currently going through Parliament?

Yes 85% No 15%

Q. If this Bill became legislation, would it change the way you enforced pavement parking?

Yes 29% No 0% I would need more information 71%

Q. Would it be costly for you to remove any existing pavement parking scheme you have in place?

Yes 10% No 90%

It is clear from the number of responses and interest in the Pavement Parking Bill before it was withdrawn that councils are very keen to tackle the issue of pavement parking, but in a cost effective manner.



4. Area wide pavement parking bans, Traffic Regulation Orders and Signage

Greater London's ban on footway parking which has been in operation since 1974 operates on the assumption that pavement parking is banned everywhere and that exceptions, where pavement parking is permitted are signed. Outside London there are also many areas, such as Controlled Parking Zones where councils need a cost effective solution to ban pavement parking without the need for expensive signage, other than to indicate where pavement parking is actually permitted. This would require changes to the TSRGD signage requirements and Traffic Regulation Order making process.

This is not to say that PATROL local authorities are in favour of removing a traffic order making process altogether; simply that the need to modernise the process prescribed by the 1996 Regulations is long overdue. It is the overwhelming view of the PATROL local authorities that the current regulatory process for changing traffic orders, set out in the Local Authority Traffic Orders (Procedure) (England and Wales) Regulations 1996, is subject to a prescribed, long drawn-out and expensive process. This in itself is a barrier to an authority being responsive to the expressed needs of the community. In particular, the requirement to advertise in local newspapers, which can cost around £1,000 for an advert, is outmoded and is positively contrary to the digital by default government agenda. Any review of the traffic order making process, also needs to take into account the introduction of autonomous vehicles and how traffic order information can be 'understood' by these vehicles in terms of where they can and cannot park.

Whilst any streamlining of Traffic Order processes is welcomed, we do not believe this alone is a sufficient or appropriate response to the issue of pavement parking experienced across all Authorities.

To process Traffic Orders for each community, regardless of any streamlining, remains unsustainable. Moreover, the need to sign any location that is subject to such a Traffic Order is an even greater concern both in terms of cost (implementation, and ongoing maintenance), and the intrusion on the streetscape

5. Pavement maintenance costs

For local councils, safe well maintained pavements are important for the young and old, disabled and non-disabled. The Department for Transport's highways maintenance block will provide £3.8 billion of funding between 2016-17 and 2020-21. This funding is shared between local highway authorities in England (outside London). Currently, this funding is distributed using a formula that takes into account the length of different types of road, and can be used for the upkeep and maintenance of pavements.

The decriminalisation of the offence of obstruction would help councils protect their footways from damaging pavement parking. Indirect costs include costly claims for trips and falls resulting from damaged pavements. Broken paving stones are of course particularly hazardous to the visually impaired.



6. Police powers to tackle the offence of obstruction

Whilst it is illegal to drive on the pavement and illegal to obstruct a pavement, it is clearly not a police priority. Where it is at its most acute, is essentially tolerated which results in a growing problem for many of our local authority members. A

police officer would need to have witnessed the vehicle driving on the pavement for action to be taken, which is unlikely. Whilst the police have powers to remove

vehicles under the offence of obstruction, local authorities can only do so if the vehicle is parked in contravention, which is often not the case. The decriminalisation of the offence of obstruction would also free up police time to deal with more serious police matters. It could result in savings on pavement maintenance for councils and a safer built environment for the visually impaired.

7. Definition of obstruction

The Department for Transport [Inclusive Mobility guidance](#) suggests – “a clear width of 2000 mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal guidance. Where this is not possible because of physical constraints – 1500 mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. A blind person using a long cane or with an assistance dog needs 1100 mm. A visually impaired person who is being guided needs a width of 1200 mm”.

8. Obstruction as a contravention subject to civil enforcement.

The Traffic Penalty Tribunal’s Chief Adjudicator Caroline Sheppard OBE and Marc Samways (Hampshire County Council and Chair of the PATROL Advisory Board) attended the Pavement Parking Round table convened by Andrew Jones. The Chief Adjudicator points to an additional immediate solution that is to add obstruction to the list of contraventions for which civil enforcement applies contained in Part 1 of Schedule 7 of the Traffic Management Act 2004. Paragraph 5(1) provides:

Power to add further offences

5(1) The appropriate national authority may by regulations amend paragraph 3 or 4 so as to add further offences (but only in so far as they relate to stationary vehicles).

Therefore, the additional contravention of obstruction (Code 99 on the police codes) could be added by a simple order.

Local authority civil enforcement teams have more than enough experience to make a judgement as to what constitutes obstruction. Guidance should be provided as to what constitutes a typical obstruction contravention. With developments in technology if a civil enforcement officer is in any doubt about whether a vehicle is

obstructing the highway then photographs can instantly be sent to superiors for confirmation.

There would also need to be public information that this new power had been given to local authorities together with illustrations of the type of parking that would attract a penalty for obstruction.

PATROL is prepared to coordinate public information across all its authorities and to commission, for example, a public information video for YouTube together with social media awareness campaign of the new contravention.

9. Arrangements prior to the introduction of any area wide pavement parking ban or the decriminalisation of the offence of obstruction

Any decriminalisation of the offence of obstruction or introduction of an area wide pavement parking ban should be accompanied with updated Statutory Guidance to Local Authorities on the correct application of the contravention. We would suggest that this also includes local publicity in advance of any changes to local regulations. The use of warning notices would also be an important part of implementing any wide scale local changes to the enforcement of pavement parking. Prior to the introduction of any area wide parking ban councils could also consider:

- Evidence-based feasibility studies and options appraisal
- Evidence of local consultation with stakeholders
- Where pavement parking bans are proposed, evidence of steps to be taken to provide adequate warning through signage (both signs and location) and commitment to fairness in handling representations e.g. warning letters on first contravention etc.
- Evidence-based objectives taking into account local measures and robust monitoring arrangements
- Consideration to be given to the potential displacement of pavement parking to other areas

10. Contact Details

It is clear that pavement parking is a major issue for most local authorities, their residents and disabled groups. PATROL welcomes the government's consultation on this issue and would be willing to provide more details on the points raised in this response. PATROL would be willing to assist the Government in the steps it takes to respond to this consultation.

Louise Hutchinson

Director

PATROL

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Direct Line: 01625 445566

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Executive Sub Committees

Date of Meeting: 30th January 2018
Report of: The Director
Subject/Title: Internal Audit Follow-Up Review of Actions

1.0 Report Summary

1.1 This report presents the Internal Audit Report in relation to their audit visit in December 2017 to undertake a review of actions raised in their report of the audit for the year 2016/17.

2.0 Recommendations

2.1 That the Joint Committee notes the findings of Internal Audit Report in respect of their follow-up review. (Appendix 1)

3.0 Reasons for Recommendations

3.1 To provide assurance in respect of financial controls in place.

4.0 Financial Implications

4.1 As outlined in the report

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 Internal audit supports the Joint Committee's Risk Management Strategy.

7.0 Background and Options

7.1 In May 2017 Internal Audit carried out the annual audit for 2016/17 and subsequently issued a report detailing the findings, recommended actions and the assurance opinion. The opinion awarded was "Limited Assurance" due to a significant number of the actions raised relating to non-compliance with established controls in its processes and procedures. The report also referred to resource issues following a series of staffing changes. The finance team is now fully staffed.

- 7.2 As a result of the “Limited Assurance” opinion being given, it was agreed by the Director of PATROL and Internal Audit that a follow-up review of the actions raised would be carried out later in 2017 to provide assurance to the Joint Committee that the identified weaknesses have been addressed.
- 7.3 The follow up review took place at PATROL on 14th December 2017. Sample testing was undertaken on transactions completed in 2017/18 and appropriate evidence was obtained to provide assurance that all actions raised have been addressed.
- 7.4 The enclosed Internal Audit report concludes that the actions arising from the PATROL 2016/17 audit have been successfully implemented and points to the need to ensure that controls are consistently applied throughout the remainder of 2017/18.

8.0 Access to Information

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

Name: Louise Hutchinson
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Internal Audit

**PATROL (Parking and Traffic Regulations
Outside London) 2016/17 Follow Up**

Report Status: Final

Report Date: 17th January 2018

Prepared by: Lucy Nelson

Distribution List:

Louise Hutchinson – PATROL, Director

Erica Maslen – Central Services Manager

1 Introduction and background

- 1.1 Cheshire East Council was appointed as the Host Authority to the PATROL Adjudication Joint Committee and Bus Lane Adjudication Joint Committee on 1st January 2013. As part of this role, the Council has delivered the Body's Internal Audit service.
- 1.2 In May 2017 Internal Audit carried out the annual audit and subsequently issued a report detailing the findings, recommended actions and the assurance opinion. The opinion awarded was "Limited Assurance" due to a significant number of the actions raised relating to non-compliance with the controls the Body established in its processes and procedures.
- 1.3 As a result of the "Limited Assurance" opinion being given, it was agreed by the Director of PATROL and Internal Audit that a follow-up review of the actions raised would be carried out later in 2017 to provide assurance to the Joint Committee that the identified weaknesses have been addressed.

2 Objectives, scope & methodology

- 2.1 The original 2016/17 audit report included 8 recommended actions which the Body agreed to implement in order to improve the control environment.
- 2.2 In addition to the 8 actions raised in the 2016/17 audit report, 3 findings and associated recommended actions deemed to be "low" priority were informally reported to the Body.

- 2.3 The follow up review took place at PATROL on 14th December 2017. Sample testing was undertaken on transactions completed in 2017/18 and appropriate evidence was obtained to provide assurance that all actions raised have been addressed.

3 Key Findings

- 3.1 The main findings of the follow-up can be found at **Appendix A** with the "low" priority findings shown at **Appendix B**.
- 3.2 Sample testing has confirmed that the actions raised in the 2016/17 PATROL audit have been successfully implemented.

4 Audit Conclusion and Opinion

- 4.1 The follow up and associated testing has concluded that the actions arising from the PATROL 2016/17 audit have been successfully implemented. However, the Body must ensure that controls are consistently applied throughout the remainder of 2017/18.

Appendix A – 2016/17 PATROL Audit Findings, Recommended Actions & Follow Up

B: The body's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT appropriately accounted for		
Finding	Implication	Recommended Action
<p>1</p> <p>Budget holders are responsible for managing contracts in their area of responsibility and sample testing confirmed that the Body reviewed a number of their service contracts during 2016/17. In addition, the Director reports exceptions to the Financial Regulations each year at the Annual Joint Committee meeting and quarterly to the Resources Working Group.</p> <p>However, the Body does not maintain a central record of their contracts.</p>	<p>Purchasing arrangements adopted may not provide value for money or prevent waste and fraud. Failure to have a contracts register could inhibit effective timing of re-procurements.</p>	<p>A contracts register should be developed listing all current contracts, values and expiry dates.</p>
Management Response		
<p>Agreed: Yes Responsibility: The Finance and Central Services Manager Target Date: July 2017</p> <p>The introduction of a centralised contract register will enhance the existing controls.</p>		
December 2017 Follow-up		
<p>A contracts register has been developed in line with the recommended action, evidence provided to Internal Audit.</p> <p>Action Implemented.</p>		

C. The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage this		
Finding	Implication	Recommended Action
<p>2</p> <p>The Risk Management Strategy sets out the following responsibilities;</p> <ul style="list-style-type: none"> • The Joint Committee is responsible for responding to the training requirements of Members and Officers • The Risk Management Group is responsible for responding to training needs on risk awareness and management <p>The Leadership Team was not fully in place until January 2016, and as such Risk Management training is yet to be addressed.</p>	<p>The Body may fail to comprehensively assess the significant risks to achieving its objectives, and may also be unable to effectively review the adequacy of the relevant risk management arrangements.</p>	<p>The Body should assess the risk management training requirements of both the Risk Management Group and staff. Once the requirements are established, appropriate training should be delivered.</p>

Appendix A – 2016/17 PATROL Audit Findings, Recommended Actions & Follow Up

Management Response		
<p>Agreed: Yes Responsibility: Director Target Date: December 2017</p> <p>An assessment of training need and delivery of training will be undertaken.</p>		
December 2017 Follow-up		
<p>Meetings held with Joanne Butler (CE – Business Governance and Risk Manager) and workshop completed.</p> <p>Agenda for the 11th July 2017 shows Risk Strategy.</p> <p>Risk Strategy was presented to the Joint Committee Resources Working Group advisory Board 12th Dec 2017, and will be presented to the next Resources Committee & Joint Committee in January 2018.</p> <p>Action implemented.</p>		
D: The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate		
Finding	Implication	Recommended Action
<p>3 Budget holders are required to review their expenditure each month and provide the Finance Officer with confirmation that they have done so. The budget monitoring reports were reviewed as part of the audit, which highlighted the following:</p> <ul style="list-style-type: none"> • April – Jun 2016 were reviewed by budget holders in August; • Aug – Oct 2016 were reviewed by budget holders in November; • The budgets held by the Director were not reviewed in Jan 2017. <p><i>(This issue was raised in the 2014/15 and 2015/16 audits).</i></p>	<p>Budget monitoring procedures could be ineffective and may result in incorrect accounting records.</p>	<p>Finance should ensure all budget holders are provided with their monthly expenditure promptly after each period end, in order for monthly monitoring to be completed.</p> <p>In addition, budget holders should ensure they review the expenditure promptly and return the documentation to the Finance Officer at the earliest opportunity.</p>
Management Response		

Appendix A – 2016/17 PATROL Audit Findings, Recommended Actions & Follow Up

<p>Agreed: Yes Responsibility: The Finance and Central Services Manager Target Date: Immediate</p>
<p>As noted in 4.3 of the introduction to this report, finance staff turnover, recruitment and training caused delays in the first part of 2016/17.</p>
<p>December 2017 Follow-up</p>
<p>Sample testing of monthly budget monitoring reports between April 2017 and September 2017 was carried out which confirmed monthly budget monitoring is carried out within a month of the period end.</p> <p>The October 2017 budget monitoring was delayed and due to be carried out in December as a result of changing responsibilities which resulted in a delay with signing off with the relevant budget holders.</p> <p>Action implemented.</p>

<p>G: Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied</p>		
Finding	Implication	Recommended Action
<p>4</p> <p>A sample of 6 adjudicator fee claims were selected and checked. The following issues were highlighted:</p> <ul style="list-style-type: none"> • One adjudicator is submitting their monthly fee claims in relation to hearings held 5 – 6 months previously; • A claim submitted for travel without a receipt totalling £33.50 was processed; • 2 instances were noted where the officer checking the form did not evidence the checks carried out. <p><i>(This issue was raised in the 2015/16 audit).</i></p>	<p>Payroll payments may not be made in accordance with levels of delegated authority and processed without regard to established procedures, which could lead to possible fraud or error.</p>	<p>The Body should revise the “Adjudicators Fee Claim Guidelines” to state that claims for expenses may not be certified if they are not submitted in a timely fashion (to be determined by the Body), and the circumstances under which exceptions will be accepted.</p> <p>The Body also needs to ensure expenses are processed within the relevant accounting year.</p> <p>Expense claims that are not supported by a valid receipt should not be processed (as per the Adjudicators Fee Claim Guidelines).</p> <p>Finance staff should ensure all claims are supported by valid receipts prior to processing for payment. Furthermore, the officer checking the</p>

Appendix A – 2016/17 PATROL Audit Findings, Recommended Actions & Follow Up

		validity of the claims should sign and date the claims as evidence.
Management Response		
<p>Agreed: Yes Responsibility: Finance and Central Services Manager Target Date: July 2017</p> <p>Adjudicator fee guidelines and associated finance procedures will be updated.</p>		
December 2017 Follow-up		
<p>The “Adjudicators Fee Claim Guidelines” have been revised for 2017/18. A sample of 6 adjudicator fee claims were reviewed, they were found to be submitted for payment in a timely manner, supported by valid receipts and all evidenced as checked by Finance.</p> <p>Action implemented.</p>		

<i>G: Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied</i>		
Finding	Implication	Recommended Action
<p>5 A sample of 7 staff expenses was selected and reviewed. One instance was identified whereby a member of staff had purchased a gift for another officer. The purchase of the gift had been approved in advance by the Director in accordance with the Guide to Staff Out of Pocket Expenses 2016/17 ‘expenditure falling outside the specified guidelines’.</p> <p>However, the expenditure is not considered a staff expense and should have been procured using an alternative method.</p>	<p>Payroll payments may not be made in accordance with levels of delegated authority and processed without regard to established procedures, which could lead to possible fraud or error.</p>	<p>Care should be taken to ensure items of expenditure are procured using the most appropriate method and in accordance with the appropriate policies.</p>
Management Response		
<p>Agreed: Yes, in part Responsibility: The Finance and Central Services Manager Target Date: July 2017</p> <p>The requirements of the existing controls had been followed in this case. Additional controls have been introduced i.e. the Expenses Policy has been amended</p>		

Appendix A – 2016/17 PATROL Audit Findings, Recommended Actions & Follow Up

	so that requests for exceptions which are referred in advance for approval to the Director indicate why a purchase card cannot be used.
December 2017 Follow-up	
6 staff expenses reviewed with no issues raised.	
Action implemented.	

H: Asset and investment registers were complete and accurate and properly maintained			
Finding	Implication	Recommended Action	
6	<p>An independent check on a sample of the assets listed on the IT asset register was undertaken in April 2017 in response to a recommendation made in the 2014/15 audit. However, sample testing highlighted the following issues:</p> <ul style="list-style-type: none"> • A large LG TV located in the meeting room was not listed on the asset register; • 2 iPhone 5 devices (which had not been assigned to their new users) were not included on the IT Asset register. <p><i>(Issues relating to the Asset Register were raised in the 2014/15 and 2015/16 audits).</i></p>	<p>Assets may not be adequately recorded and safeguarded.</p> <p>Failure to review the asset register on a timely and frequent basis means the Body is unable to validate the accuracy of the register and as such, the Body may not be aware of losses or damages which have been incurred.</p>	<p>As a minimum, an annual check of all assets listed on the both the IT Asset and Asset registers should be undertaken and documented as such by an officer independent of the day to day maintenance of the registers. The checks should also ensure that the assets held in the office(s) have been correctly included in the registers (2 way check).</p> <p>Furthermore, the Body should ensure new assets are added to the appropriate register at the earliest opportunity.</p>
Management Response			
<p>Agreed: Yes Responsibility: Finance and Central Services Manager Target Date: A check of ALL assets to be taken by July 17. All new assets recorded at earliest opportunity with immediate effect.</p> <p>A check of all remote working assets held by adjudicators was performed. A sample of other IT assets was undertaken. Clarification was sought from Internal Audit in April 2017 to establish whether the sampling element of the asset audit was sufficient. We were advised that it was. A full audit will now be undertaken each year.</p>			
December 2017 Follow-up			
A review of the IT asset register confirmed an independent check has been completed of all IT assets listed and there was evidence of new assets added.			

Appendix A – 2016/17 PATROL Audit Findings, Recommended Actions & Follow Up

	The equipment register (a small register of items with a value above £1,000) also shows evidence of new item listed (Defibrillator).
	Action implemented.

I: Periodic and year-end bank account reconciliations were properly carried out			
	Finding	Implication	Recommended Action
7	<p>Delays were noted in the bank reconciliation of parking income. Reconciliations for April 2016, May 2016 and June 2016 were all carried out on 25th July 2016.</p> <p>The Financial Regulations 2016/17 state:</p> <p><i>'Bank reconciliation will be undertaken on a monthly basis (within 30 days) and signed by two members of staff in accordance with the Bank Reconciliation Procedure with one signature being that of the Finance Manager.'</i></p>	Banking processes adopted do not ensure accounting records and underlying accounts are accurate and do not prevent fraud or error.	Bank account reconciliations should be carried out and signed off promptly in line with the approved 2016/17 Financial Regulations.
Management Response			
<p>Agreed: Yes Responsibility: Finance and Central Services Manager Target Date: Immediately</p> <p>As noted in 4.3 of the introduction to this report, finance staff turnover, recruitment and training caused delays in the first part of 2016/17. The process was in place for the remainder of 2016/17.</p>			
December 2017 Follow-up			
A review of completed bank reconciliations between April 2017 and November 2017 confirmed that there were no delays.			
Action implemented.			

I: Periodic and year-end bank account reconciliations were properly carried out			
	Finding	Implication	Recommended Action
8	The following audit action was raised as part of the 2015/16 review:	Banking processes adopted do not ensure accounting records and underlying accounts are accurate and do not prevent	The Body should ensure bank account authorisations (cheque signatories and online bank account user id's) are cancelled immediately upon an officer

Appendix A – 2016/17 PATROL Audit Findings, Recommended Actions & Follow Up

<p><i>Bank account reconciliation testing highlighting the following issues:</i></p> <ul style="list-style-type: none"> <i>An officer left the employment of the Body in June 2015 who was an authorised signatory on the bank account. At the time of the audit review in May 2016, the officer had not been removed from the bank mandate;</i> <p>Testing highlighted that this issues remains outstanding.</p> <p><i>(This issue was raised in the 2015/16 audit).</i></p>	<p>fraud or error.</p>	<p>leaving the employment of the Body.</p>
<p>Management Response</p>		
<p>Agreed: Yes Responsibility: Finance and Central Services Manager Target Date: Complete</p> <p>This has been rectified.</p>		
<p>December 2017 Follow-up</p>		
<p>Bank confirmation received stating that the bank mandate has been updated to remove the signatory.</p> <p>Action implemented.</p>		

Appendix B – 2016/17 “Low” Priority Audit Findings, Recommended Actions & Follow Up

No.	Finding	Implication	Recommended Action	Priority	Agreed Target Date	Responsibility	Management Action	Follow Up
F: Petty cash payments were properly supported by receipt, expenditure was approved and VAT appropriately accounted for								
1	Purchase cards are reconciled on a monthly basis by the Central Services Manager, however the June 2016 transactions were not reconciled until 25th August 2016.	Purchase card facilities could be ineffectively managed and used inappropriately.	Purchase card reconciliations should be undertaken promptly on a monthly basis.	Low	Actioned	Finance & Central Services Manager	Continue to reconcile purchase cards promptly on a monthly basis.	Random sample of 5 reconciliations confirmed no delays. Action implemented.
I: Periodic and year-end bank account reconciliations were properly carried out								
2	The Finance Office safe key-code has not been changed since the departure of the Finance Officer in March 2017.	Banking processes adopted may not ensure accounting records and underlying accounts are accurate and do not prevent fraud or error.	In addition to the safe key-code being changed annually it should also be changed where staff with knowledge of the key-code leave the employment of the Body.	Low	Actioned	Finance & Central Services Manager	Change the key code annually and change when staff cease employment with PATROL.	The Finance Officer has confirmed that the key is changed annually and was also changed when the Finance & Central Services Manager left PATROL. Action implemented.
3	The bank account set up prior to the Dartford Crossing Road User Charge coming into force in December 2014, has not been used. Income received is paid into the Parking Bank Account and transferred appropriately.	Banking processes adopted do not ensure accounting records and underlying accounts are accurate and do not prevent fraud or error.	Any bank accounts that are not utilised should be closed.	Low	Actioned by July 17	Finance & Central Services Manager	Close bank accounts that are not utilised. Request placed with bank to close account on 15/6/17.	Finance Officer confirmed that the bank account has been closed. Email confirmation from the bank provided. Action implemented.

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting	30 th January 2018
Report of:	The Director on behalf of the Resources Working Group and Sub Committee
Subject/Title:	Budget monitoring and review of reserves: 30 th November 2017

1.0 Report Summary

- 1.1 To present income, expenditure and reserves monitoring information for the year to 30th November 2017.

2.0 Recommendation

- 2.1 To note the income and expenditure and reserves at 30th November 2017.

3.0 Reasons for Recommendations

- 3.1 Compliance with Financial Regulations

4.0 Financial Implications

- 4.1 Set out in the report.

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

- 6.1 Budget monitoring forms part of the Risk Register.

7.0 Background and Options

- 7.1 The budget was approved for the year 2017/18 at the meeting of the Executive Sub Committee held 31st January 2017.
- 7.2 This report provides the Committee with the expenditure position at 30th November 2017.
- 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 2017/18 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 budgeted by £441,457 (18.9%).
- 8.2 Adjudicator costs were favourable to budget by £212,070 (25.6%) 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 £36,403 (14.4%) lower than budgeted. Some of this expenditure is planned to be incurred later in the year.
- 8.4 Staffing costs were favourable to budget by £92,300 (11.9%). This was due in part to the use of consultancy services for communications activity, where the budget assumed that staff would be taken on. Also, savings have been made on unfilled vacancies within the appeals team due to efficiencies of working
- 8.5 Premises costs are also favourable to budget by £31,268 (22.4%). The budget assumed that the lease of Springfield House was to be renewed in August 2017. It has been confirmed that the lease will be renewed in February 2018 and so these costs will be borne later in the financial year.

9.0 Income

9.1 Overall income was £109,233 (4.6%) adverse to budget. Parking income was adverse to budget by £62,263 (5.1%). The recharge for bus lane adjudication service costs is adverse to budget by £36,110 (11%). Income from the Dartford-Thurrock River Crossing was adverse to budget by £96,386 (12.6%), Income from the Mersey Gateway is higher than forecast (£63,360) due to this being a new scheme and no forecasting information being available at the time of setting the budget in January 2016.

10.0 Overall Result

10.1 Eight months into the financial year, the overall surplus is £349,259. Of this, £196,676 is ring-fenced to Highways England and £25,487 to Halton Borough Council. The PATROL surplus at 30th November 2017 is £127,096.

11.0 Reserves

11.1 Total Reserves are forecast to be £3,278,370 at 31st March 2018, of which Free Reserves are forecast to be £1,398,825.

	TOTAL	PATROL	Dartcharge	Mersey Gateway
Reserves Brought Forward 01.04.17	3,182,460	3,116,338	66,122	0
<i>Of which are:</i>				
<i>General Approved Reserve</i>		1,308,205		
<i>Approved Property Reserve</i>		221,340		
<i>Approved Technology Reserve</i>		350,000		
<i>TOTAL Approved Reserve</i>	1,879,545	1,879,545		
Free Reserves 01.04.17	1,302,915	1,236,793	66,122	0
Drawdown of Technology Reserves 2017/18	-98,045	-98,045		
Forecast Surplus / (Deficit) for 2017 / 18	193,955	-54,293	203,395	44,853
Forecast Closing Reserves at 31.03.18	3,278,370	2,964,000	269,517	44,853
<i>TOTAL Approved Reserve</i>	1,879,545	1,879,545	0	0
Forecast Free Reserves at 31.03.18	1,398,825	1,084,455	269,517	44,853

**

** note: includes £50,000 contingency agreed with Highways England

13. Recommendations

13.1 To note the income, expenditure and reserves at 30th November 2017.

14.0 Access to Information

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

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PATROL Outturn to 30/11/2017

	Year to Date			
	30/11/2017	30/11/2017	30/11/2017	30/11/2017
	Year to Date	Budget	Var to Budget	Var to Budget
Income				
Parking Income	1,164,403	1,226,667	(62,263)	-5.1%
Other Income	716	0	716	0.0%
Bank Interest	6,834	6,000	834	13.9%
Road User Charging (Highways England)	668,614	765,000	(96,386)	-12.6%
Road user Charging (Halton Borough Council)	64,160	800	63,360	7920.0%
Recharge for Bus Lane Adjudication Costs	292,549	328,660	(36,110)	-11.0%
Moving Traffic (Wales)	44,617	24,000	20,617	85.9%
Total Income	2,241,893	2,351,126	(109,233)	-4.6%
Expenditure:				
Adjudicators	615,076	827,146	212,070	25.6%
Staff	680,695	772,995	92,300	11.9%
Premises / Accommodation	108,519	139,787	31,268	22.4%
Transport	43,585	56,050	12,465	22.2%
Supplies and Services	215,968	252,371	36,403	14.4%
Information Technology	192,278	182,583	(9,695)	-5.3%
Services Management and Support	33,336	33,333	(3)	0.0%
Audit Fees	3,167	3,160	(7)	-0.2%
Contingency	11	66,667	66,655	100.0%
Total Expenditure	1,892,634	2,334,091	441,457	18.9%
Surplus / (Deficit)	349,259	17,036	332,223	1950.2%

Full Year			
2017/18	2017/18	2017/18	2016/17
Forecast Outturn (8+4)	Full Year Budget	Var to Budget	Prior Year Result
1,609,999	1,840,000	(230,001)	1,935,869
	0	0	54,649
9,019	9,000	19	13,144
904,138	1,147,500	(243,362)	1,113,818
240,900	4,000		
515,219	492,990	22,229	420,095
31,500	36,000	(4,500)	420,095
3,310,775	3,529,490	(455,614)	3,957,672
981,619	1,240,718	259,099	994,404
992,961	1,159,493	166,532	1,062,749
186,919	205,602	18,683	165,691
58,027	84,075	26,048	81,112
422,739	376,356	(46,383)	371,876
316,242	255,487	(60,756)	382,534
53,561	50,000	(3,561)	48,440
4,752	4,750	(2)	5,400
100,000	100,000	(0)	
3,116,821	3,476,480	359,660	3,112,205
193,955	53,009	-95,955	425,371

Breakdown of Surplus	349,259
PARKING	127,096
MG	25,487
RUCA	196,676

193,955	425,371.36
-54,293	409,249.97
44,853	
203,395	16,121.39

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting: 30th January 2018
Report of: The Director in consultation with the PATROL and BLASJC Resources Working Group and Sub Committee
Subject/Title: Budget 2018/19

1.0 Report Summary

1.1 To request the Committee to adopt the revenue budget estimates for 2018/19.

2.0 Recommendation

2.1 To agree to adopt the revenue budget for 2018/19 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 2018

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 2018/19 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.

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

Whilst budgeted income has increased over the period due to the increasing number of local authorities undertaking civil enforcement (membership of the PATROL Joint Committee has increased from 264 in 2010/11 to 311 members in 2017), the rate of increase has slowed over the past two years with the numbers of available new authorities tailing off.

- 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 2018/19, the forecasting model focuses on trends from the past 12 month's income.
- 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 2018/19, additional income also derives from charges to 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 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 It is anticipated that new powers will be introduced in 2018/19 to issue penalties for littering from vehicles where appeals will be dealt with by the Traffic Penalty Tribunal. No assumptions have been made in respect of this new area of enforcement.

7.8 A modest amount of bank interest has been included in the income projection based on the Annual Investment Strategy reported elsewhere.

7.9 The Joint Committee approves a Reserves Policy Statement each January and for 2018/19, the level of reserves contributing to the budget for 2017/18 will depend on the basis for charging member authorities approved at the January 2018 meeting.

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 2018/19.

8.2 Appeals activity for the first eight months of 2017/18 has indicated that there has been an overall decrease in appeals across all appeals streams of 24.3%.

8.3 In preparing this budget for 2018/19, account has been taken of the following objectives:

- To develop an increasingly intuitive online appeal system in response to user feedback and surveys.
- To continue to improve our understanding of appellants who are not online and develop the assisted digital offer.
- To Improve digital engagement with appellants through the introduction of instant online support.
- To introduce a new Traffic Penalty Tribunal web site and associated digital communications to raise awareness of the right of appeal and the appeal process and make the tribunal's decisions available on line.
- To strengthen local authority understanding of adjudication as a judicial process through local authority engagement.
- To enhance our ability to identify trends and issues arising through appeals.
- To work with local authorities in anticipation of the introduction of environmental appeals, to learn lessons, where appropriate, from other appeal streams and adapt FOAM to accommodate these new appeal streams as required.
- To continue to promote best practice in public information on civil enforcement and develop the evidence base of enforcement and appeals on behalf of local authorities outside London.

8.4 The following provides a summary of anticipated expenditure in 2018/19.

8.5 Adjudicators

The budget assumes a 1% inflationary increase in adjudicator fees.

8.6 Staffing

A 1% inflationary increase has also been assumed for salaries.

8.7 Premises

A new lease comes into effect in February 2018. The rent will increase from £12.50 to £16.50 which represents an increase of 26.3%. The annual rent for the 4,994 square feet being £82,401. The new lease has been negotiated by Cheshire East Council on behalf of the Joint Committee and the rent reflects market rates. The budgeted service charge has increased by 2% to £46,461. The total budgeted premises figure of £216,982 reflects rent, business rates, utilities, car parking, office maintenance and health and safety.

8.8 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.

8.9 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 will 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. The budget also includes provision for independent research for both the tribunal and the Joint Committee. Additional legal costs have been budgeted for to revise the Joint Committee agreements.

8.10 IT Costs

The slight increase in budget IT costs reflects additional IT security measures in the light of system monitoring and compliance with the General Data Protection Regulations 2018.

8.11 Service Management & Support

For 2018/19, it is anticipated that the Service Level Agreement charges with Cheshire East Council as Host Authority will remain broadly in line with those for 2017/18 in the region of £50,000.

8.12 Audit

Audit fees are broadly in line with those for 2017/18.

8.13 Contingency

This contingency has remained unused for several years and in the light of this and the anticipated surplus/contribution to reserves for 2018/19, the contingency has been removed.

9.0 Summary of movement in income and expenditure

	Budget 2018/19	Forecast Outturn 2017/18	Variance	% Change
Income	£3,396,230	£3,310,775	£85,455	2.6% increase
Expenditure	£3,114,945	£3,116,820	£1,875	0.06% decrease
Contribution to / (from) Reserves	£281,285	£193,955	£87,330	45.0% increase

The proposed budget for 2018/19 assumes the continuation of defraying the expenses amongst members of the Joint Committee on the basis of 35 pence per PCN as approved at the October 2017 meeting and backdated to April 2017.

The budgeted income and expenditure for 2018/19 results in a forecast contribution to reserves of £281,285 (a proportion of which may be ring-fenced to road user charging). This compares to a forecast contribution to Reserves at the end of the financial year 2017/18 of £193,955 (a proportion of which relates to road user charging).

Appendix 1 provides contextual information for the proposed 2018/19 budget:

- Budget for 2015/16 and 2016/17
- Actual expenditure for 2016/17
- Budget for 2017/18
- Forecast expenditure 2017/18 (at the eight-month point)

Budgeted expenditure has fallen by 14% over the period 2015/16 to 2018/19.

10.0 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 Budget 2018/19

	Actuals 2016/17	8+4 Forecast 2017/18	Budget 2017/18	Budget 2018/19	Budget Var 17/18 to 18/19	Budget 2015/16	Budget 2016/17
Income							
Parking	1,990,518	1,641,498	1,876,000	1,641,500	(234,500)	1,962,011	1,882,923
RUCA (Dartcharge)	1,113,818	904,138	1,147,500	791,000	(356,500)	1,265,000	1,350,000
RUCA (Mersey Gateway)	0	240,900	4,000	481,800	477,800	0	0
Recharge for Bus Lane Adjudication Costs	420,095	515,219	492,990	472,930	(20,060)	425,734	425,421
Bank Interest	13,144	9,019	9,000	9,000	0	12,000	12,000
Contribution (to) / from Reserves ¹	(425,371)	(193,955)	(53,009)	(281,285)	(228,276)	(33,664)	(108,733)
Total Income	3,112,205	3,116,820	3,476,481	3,114,945	(361,536)	3,631,081	3,561,611
Expenditure:							
Adjudicators	995,134	981,619	1,240,718	1,005,819	234,899	1,476,152	1,349,667
Staff	1,062,749	992,961	1,159,493	1,017,588	141,905	864,842	937,330
Premises / Accommodation	165,691	186,919	205,602	216,982	(11,380)	161,881	176,450
Transport	80,381	58,027	84,075	79,440	4,635	114,784	106,180
Supplies and Services	397,281	422,739	376,356	474,392	(98,036)	494,046	551,268
IT	357,129	316,242	255,487	266,624	(11,137)	360,876	290,615
Services Management and Support	48,440	53,561	50,000	50,000	0	49,500	45,000
Audit Fees	5,400	4,752	4,750	4,100	650	9,000	5,100
Contingency	0	100,000	100,000	0	100,000	100,000	100,000
Total Expenditure	3,112,205	3,116,820	3,476,481	3,114,945	361,536	3,631,081	3,561,611
Surplus / (Deficit)	0	(0)	0	(0)	(0)	(0)	0

Note 1 The contribution to reserves includes elements which are ring-fenced to Highways England and Halton Borough Council in respect of road user charging.

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PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting:	30 th January 2018
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 2018/19.

2.0 Recommendation

- 2.1 To approve the Reserves Policy Statement for 2018/19 and the total approved reserve level for 2018/19 of £1,910,717. The equivalent figure for last year was £1,879,545.
- 2.2 To approve the balances of any surplus from 2017/18 being carried forward to 2018/19.
- 2.3 To approve the drawing down of the Technology Reserve to the Director to the value of £250,000 as required during 2018/19 on the basis that this expenditure will be reported to the Joint Committee's Resources Working Group and Sub Committee.
- 2.4 To approve the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from general 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.

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 mid-year. At 31st March 2017, the level of reserves was £3,182,460 of which £1,879,545 was approved reserves for 2017/18 and £1,302,915 was free reserves and £66,122 was ring fenced to Road User Charging Appeals (RUCA).

7.2 For 2018/19, it is recommended that the Reserves Policy Statement will be made up of three elements:

General Reserves
Property Reserves
IT Reserve

7.3 The General Reserve

The General Reserve aims to mitigate the risk arising from:

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

It is recommended that the General Reserve for 2018/19 is £1,364,142.

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 August 2017 the lease is due for renewal. Provision is therefore made for rent for two years beyond that budgeted for in 17/18. It is assumed that the renewal contract will include a break clause after the first three years.

It is recommended that the Property Reserve for 2018/19 is £296,575, this compares with £221,340 in 2017/18.

7.5 Technology Reserve

The Joint Committee made provision for a technology reserve of £350,000 for 2018/19 of which it is anticipated that £194,169 will be utilised by the end of the financial year.

For 2018/19 it is recommended that a reserve of £250,000 is retained to support the final elements of the roll out and enhancements of the new portal.

7.6 **It is recommended that the total approved reserve level for 2018/19 is £1,910,717.**

7.7 It is anticipated that PATROL reserve will reach £2,872,856 at the 31st March 2018 and therefore sufficient reserves will be in place to accommodate the recommended approved reserve of £1,910,717.

7.8 The Joint Committee will monitor income and expenditure during 2018/19 to keep the Reserves Policy Statement under review. Any additional balances will be taken into account in setting the budgets and approving the basis for defraying expenses.

8.0 Access to Information

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

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PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting: 30th January 2018

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 2017/18 and request the Joint Committee to approve the annual investment strategy for 2018/19.

2.0 Recommendation

2.1 To approve the Annual Investment Strategy 2018/19,

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 Strategy 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 £2,700 per quarter.

7.5 Deposits utilised in the year including six month accounts 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.

8.0 Annual Investment Strategy 2018/19

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 2018/19. 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.

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:	30th January 2018
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 2018/19

1.0 Report Summary

1.1 To establish the basis for defraying expenses during 2018/19

2.0 Recommendation

2.1 That for 2018/19, the Joint Committee maintains the rate of 35 pence per PCN agreed at its meeting in October 2017 and backdated to 1st April 2017. This to be reviewed at the October 2018 meeting in the light of actual income and expenditure information for the first half of the year is available.

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.

2.4 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

4.0 Financial Implications

4.1 Detailed in the report

5.0 Legal Implications

5.1 In accordance with the PATROL Adjudication Joint Committee Agreement

6.0 Risk Management

6.1 Identified within the Risk Register

7.0 Background and Options

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

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

7.3 The per PCN charge has halved since the inception of the Joint Committee and the annual and per case charges withdrawn. This reduction is a result of economies of scale and efficiencies.

7.4 It is recommended that for 2018/19, the Joint Committee maintains the rate of 35 pence per PCN agreed at its meeting in October 2017 and backdated to 1st April 2017. This is reviewed at the October 2018 meeting in the light of actual income and expenditure information for the first half of the year is available.

7.5 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. This arrangement is underpinned by a Memorandum of

Understanding between the Joint Committee and the Secretary of State for Transport. Charges for adjudication in respect of Road User Charging Appeals (RUCA) at the Dartford Crossing are subject to separate arrangements agreed with Dart Charge. These are currently set at 35 pence per PCN. It is proposed to retain the minimum £50,000 ring fenced reserve level.

- 7.5 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 Mersey Gateway Bridge Crossing. This arrangement is underpinned by a Memorandum of Understanding between the Joint Committee and Halton Borough Council. Charges for adjudication in respect of Road User Charging Appeals (RUCA) at the Mersey Bridge Crossing are subject to separate arrangements agreed with Dart Charge. These are currently set at 55 pence per PCN and an appropriate minimum reserve level will be agreed.

8.0 Access to Information

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PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Executive Sub Committees

Date of Meeting: 30th January 2018

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

Subject/Title: Risk Management Framework

1. Report Summary

The report presents a Risk Management Framework for approval

2. Recommendation

To approve the Risk Management Framework and note the current assessment of risk. (Appendix 1)

3. Reasons for Recommendations

To put in place 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 Management Framework 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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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 council'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

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 will be provided by Internal Audit.

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 (new)	The net risk rating is 4 low. The tribunal has a fully scalable online system and a flexible adjudicator and staffing model. This 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.
CR2 Threat	<p>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 remains unchanged - medium. Continued budgeting and forecasting and cash flow analysis combined with Internal and External audit, Financial Delegations and Reserves Policy act to mitigate the impact of this risk.
CR3 Threat	<p>Information Security and data management (Cause) The Tribunal operates an on-line appeal system to improve the quality and flexibility for tribunal users. Support systems are also underpinned by a range of technologies. With this deployment of technologies, the risk of security breaches increases. This could result in the inability of IT to support the needs of the organisation and users such that (threat) the statutory service is not accessible to all and (impact) appeals</p>	Director and Stakeholder Manager	9 ↔	This rating remains unchanged - medium. A range of security monitoring features and procedures are deployed with are being reviewed in the light of the General Data Protection Regulations 2018.

	cannot be adjudicated online. Potential breach of General Data Protection Regulations 2018.			
CR4 Threat	Resource Planning (Cause) Insufficient adjudicator or staff resources to support the needs of the organisation such that (threat) the organisation is unable to meet its statutory obligations and (impact) the quality or timeliness of the adjudication process, administrative standards or the achievement of development objectives compromised	Chief Adjudicator & Director	6 ↔	This rating remains unchanged - medium. Continued monitoring of workload and capacity, training and appraisals combined with documentation of processes and procedures and the Resources Sub Committee act to mitigate this risk.
CR5 Threat	Business Continuity (Cause) that an internal or external incident occurs which renders the organisation unable to utilise part or all of its infrastructure such that (impact) the organisation is unable to deliver some or all of its services resulting in (impact) reduced accessibility to our service.	Central Services Manager & Stakeholder Engagement Manager	6	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

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PATROL ADJUDICATION JOINT COMMITTEE & BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

Executive Sub Committee Meetings

Date of Meeting: 30th January 2018
Report of: The Director on behalf of the Resources Working Group and
Sub Committee
Subject/Title: General Progress Report

1.0 Report Summary

1.1 To provide a summary of the Traffic Penalty Tribunal appeals activity for the eight-month period to 30 November 2017.

2.0 Recommendations

2.1 To note the eight-month summary of appeals

2.2 Note progress on other tribunal initiatives

3.0 Reasons for Recommendations

3.1 To inform the Joint Committees of appeals activity and tribunal initiatives.

4.0 Financial Implications

4.1 The volumes of appeals have been reflected in the budget monitoring to 30th November 2017.

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 None

7.0 Background and Options

7.1 The enclosed report (appendix 1) provides an overview of appeals activity for the eight-month period to 30 November 2017.

7.2 A summary of tribunal initiatives is set out below.

8.0 Tribunal Initiatives

- 8.1 The tribunal rolled out the FOAM (Fast Online Appeal Management) system over 300 member authorities during the 12-month period to 31st March 2017. This unique digital collaboration has been highlighted in January 2018 as an exemplar by Digital by Default News.
- 8.2 Additional functionality has been developed to manage the witness statement process which following a pilot with pathfinder authorities has now been rolled out across all authorities.
- 8.3 The tribunal's Assisted Digital Strategy will be enhanced by new functionality to bring "offline" appellants "online" should they wish to transfer following the start of their appeal.
- 8.4 The next module to be released is the Application for Review procedure. This is the process where either party may apply for a review of an adjudicator's decision in accordance with the regulations and on a limited number of grounds. Whilst applications for review of the Adjudicator's decision from either appellants or local authorities are rare, it is more efficient to have all case actions handled within the online system.
- 8.5 Following the success of the eight local authority user group workshops held across England and Wales in September, repeat workshops are being held in January to accommodate additional attendees. Workshop subjects included: an overview of the Traffic Penalty Tribunal and PATROL; feedback on using FOAM; the four "e's" of enforcement: engineering, education, enforcement and empathy; the representations process; witness statements in FOAM; Applications for Review; the new PATROL web site; the Parking Annual Reports and collating statistics for the PATROL Annual Report Toolkit. A new series of workshops is planned over the coming months.

9.0 Recommendations

- 9.1 To note the eight-month summary of appeals.
- 9.2 To note progress on other tribunal initiatives.

10.0 Access to Information

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

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Email: lhutchinson@patrol-uk.info

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Executive Sub Committees

30th January 2018

TRAFFIC PENALTY TRIBUNAL Appeals Summary 1 April 2017 – 30 November 2017

Summary

The tables below show the number of appeals to the Tribunal for the period 1st April 2017 to 30th November 2017 by type of appeal. This is compared to the same period last year i.e. 1st April 2016 to 30th November 2016. Additional information is provided in relation to hearings, case closure and assisted digital support.

1.1 English authorities (outside London)

The volume of parking appeals has reduced by 11.4% (7,495 to 6,643)
The volume of bus lane appeals has increased by 3.6% (2,159 to 2,237)
Total movement in England is a decrease of 8% (9,655 to 8,880)

The volume of parking PCNs issued remains relatively static. Figures for 2015/16 and 2016/17 point to a 2% increase. These figures will be reviewed when 2017/18 PCN statistics are available.

London Tribunals which provides adjudication for parking penalties issued by London authorities has also witnessed a reduction in parking appeals over this period. Whilst bus lanes (England) have seen a small increase, this reflects new authorities undertaking civil bus lane enforcement and the introduction of new bus lanes within existing councils. The volume of parking councils, in comparison, has plateaued.

1.2 Welsh Authorities

The volume of parking appeals has reduced by 8.2% (343 to 315)
The volume of bus lanes appeals has increased by 32.1% (112 to 148)
Moving traffic appeals have increased by 728.6% (7 to 58)
Total movement in Wales is an increase of 12.8% (462 to 521)

The volume of PCNs (parking, bus lanes and moving traffic) issued in Wales is relatively static with a 1% increase between 2015/16 and 2016/17. These figures will be reviewed when 2017/18 PCN statistics are available.

1.3 Combined figures England and Wales (parking, bus lanes, moving traffic)

There has been a decrease of appeals across parking, bus lane & moving traffic appeal streams (i.e. excluding Dartcharge) of 7.1% (10,117 to 9,401)

The volume of PCNs issued at the Dartford-Thurrock River Crossing reduced by 7.6% when comparing 2015/16 and 2016/17. These figures will be reviewed when 2017/18 PCN statistics are available.

1.4 Dart Charge

Road user charging began at the Dartford-Thurrock crossing in November 2014. There has been a decrease of 47.6% (7,469 to 3,917) in appeals when comparing 1st April 2017 – 30th November 2017 with the same period last year.

1.5 Merseyflow

Road user charging was newly introduced at the Mersey Gateway Bridge Crossing in October 2017. The first appeal was received at the tribunal on 7th November and the Adjudicators and staff are monitoring the scheme closely.

1.6 Total across all appeal streams (including Dart Charge & Merseyflow)

Comparing 1st April 2017 – 30th November 2017 against the same period for 2016/17, there has been a decrease of 24.3% in appeals across all streams (17,586 to 13,318). The highest proportion of this decrease relates to Road User Charging at the Dartford River Crossing which is 47.6% (7,469 to 3,917)).

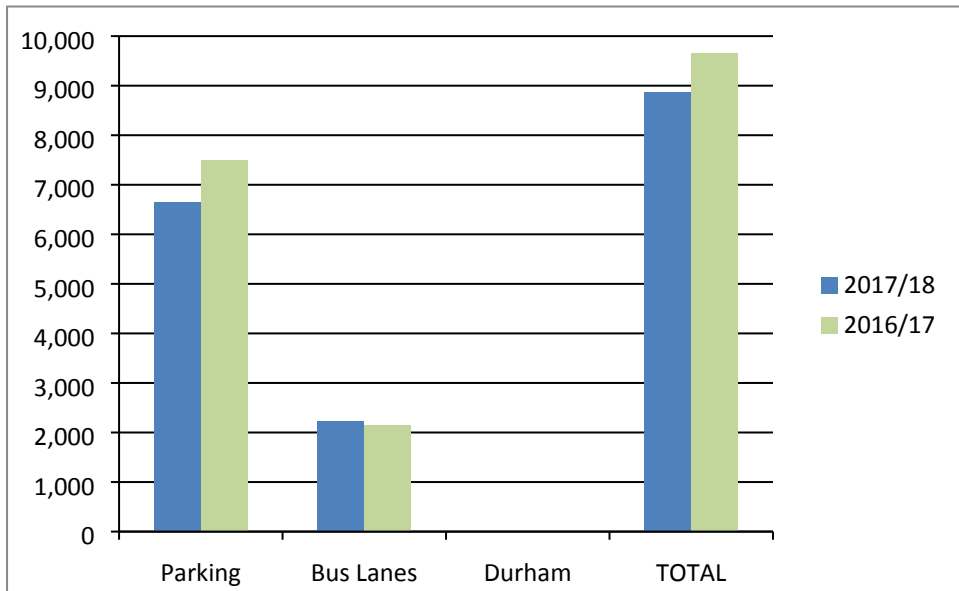
Where the Merseyflow appeals are included from November 2017 this reduction lessens slightly to 23.01% (17,586 to 13,539)

The overall volume of PCNs issued including Dart Charge showed a reduction of 3.75% between 2015/16 and 2016/17, mainly as a result of the reduction Dart Charge PCNs. These figures will be reviewed when the 2017/18 statistics are available.

1.7 English Local Authorities (exc Dartcharge)

The volume of parking appeals has reduced by 11.4% (7,495 to 6,643)
 The volume of bus lane appeals has increased by 3.6% (2,159 to 2,237)
 Total movement in England is a decrease of 8% (9,655 to 8,880)

	Parking	Bus Lanes	Durham	TOTAL
2017/18	6,643	2,237	0	8,880
2016/17	7,495	2,159	1	9,655



2.1 Welsh Local Authorities

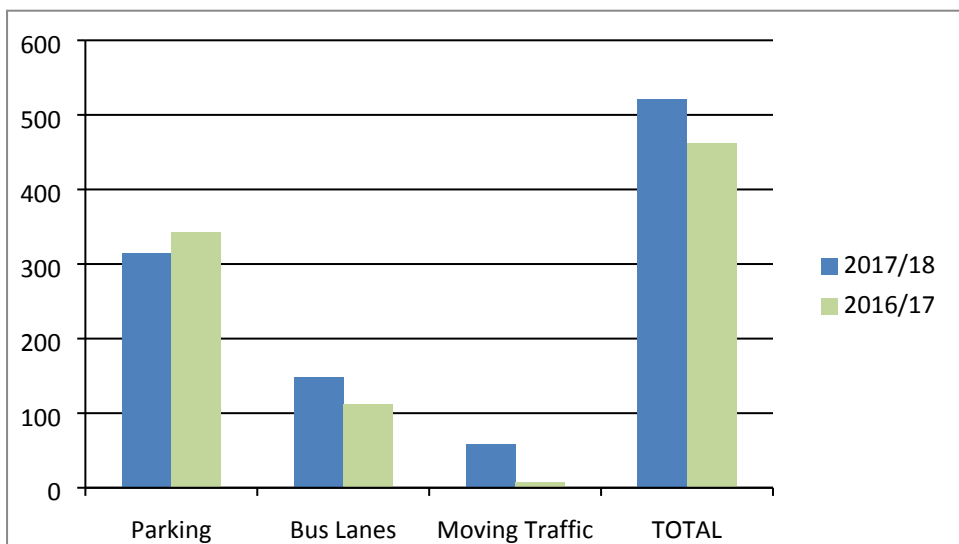
The volume of parking appeals has reduced by 8.2% (343 to 315)

The volume of bus lanes appeals has increased by 32.1% (112 to 148)

Moving traffic appeals have increased by 728.6% (7 to 58)

Total movement in Wales is an increase of 12.8% (462 to 521)

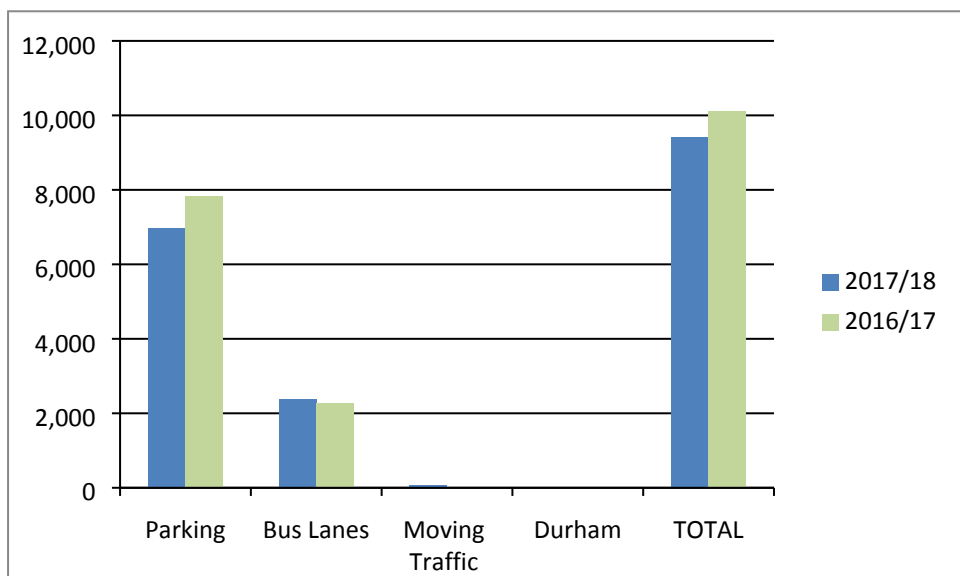
	Parking	Bus Lanes	Moving Traffic	TOTAL
2017/18	315	148	58	521
2016/17	343	112	7	462



2.2 England and Wales combined (excl Dartcharge)

There has been a decrease of appeals across parking, bus lane & moving traffic appeal streams (i.e. excluding Dartcharge) of 7.1% (10,117 to 9,401)

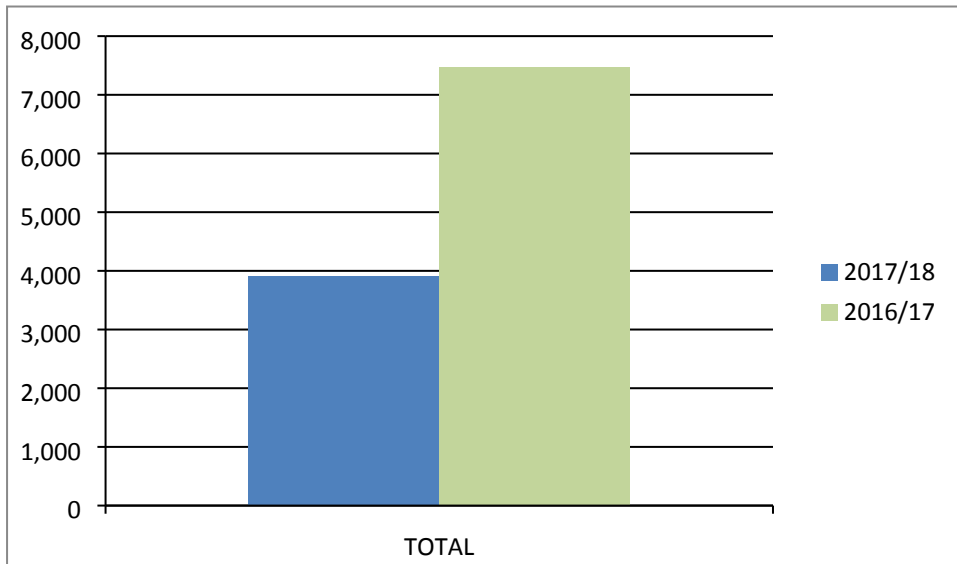
	Parking	Bus Lanes	Moving Traffic	Durham	TOTAL
2017/18	6,958	2,385	58	0	9,401
2016/17	7,838	2,271	7	1	10,117



2.3 Dart Charge

Road user charging began at the Dartford-Thurrock crossing in November 2014. There has been a decrease of 47.6% (7,469 to 3,917) in appeals when comparing 1st April 2017 – 30th November 2017 with the same period last year.

	TOTAL
2017/18	3,917
2016/17	7,469



2.4 Merseyflow

Road user charging was newly introduced at the Mersey Gateway Bridge Crossing in October 2017. The first appeal was received at the tribunal on 7th November and the Adjudicators and staff are monitoring the scheme closely. The table below shows the number of appeals received in this initial period of enforcement

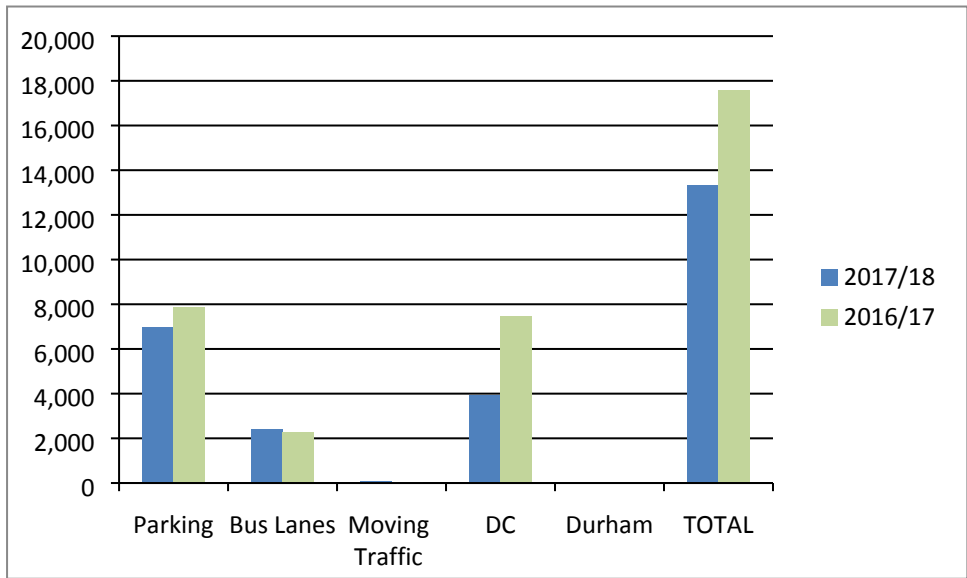
November 2017	221
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2.5 Total across all appeal streams.

Comparing 1st April 2017 – 30th November 2017 against the same period for 2016/17, there has been a decrease of 24.3% in appeals across all streams (17,586 to 13,318). The highest proportion of this decrease relates to Road User Charging at the Dartford River Crossing which is 47.6% (7,469 to 3,917)).

Where the Merseyflow appeals are included from November 2017 this reduction lessens slightly to 23.01% (17,586 to 13,539)

	Parking	Bus Lanes	Moving Traffic	DC	Durham	TOTAL	Including Merseyflow
2017/18	6,958	2,385	58	3,917	0	13,318	13,539
2016/17	7,838	2,271	7	7,469	1	17,586	

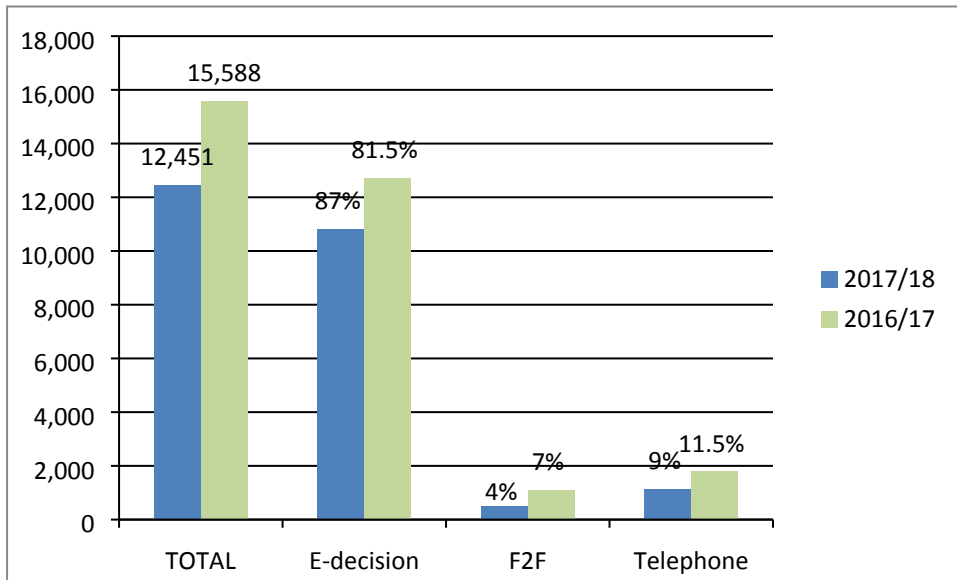


3 Frequency of hearings

The online appeals portal FOAM has transformed the way that the tribunal handles our appeals and this is particularly evident in hearings. The ability to message, comment on evidence and request extra evidence be uploaded has meant that a lot of cases can be resolved without a hearing. In addition the appellant only opts for a hearing once they have seen the authority evidence and the Adjudicators are able to review cases in advance to see whether a hearing is actually required. So, it is no surprise that with all these new developments the demand for face to face hearings has reduced significantly. This has had the consequence of some appellants waiting longer for hearings and having to travel further.

The volume of hearings by type is shown below. E-decisions and telephone hearings are becoming the most prevalent. The tribunal is also looking to pilot video hearings in 2018. This was a recommendation in the University of Birmingham report “To Appeal or Not to Appeal – Motorists’ Awareness and Experience of the Traffic Penalty Tribunal” (Professor John Raine et al, 2016)

	TOTAL	E-decision	F2F	Telephone
2017/18	12,451	10,816 (87%)	496 (4%)	1,139 (9%)
2016/17	15,588	12,713 (81.5%)	1,087 (7%)	1,788 (11.5%)



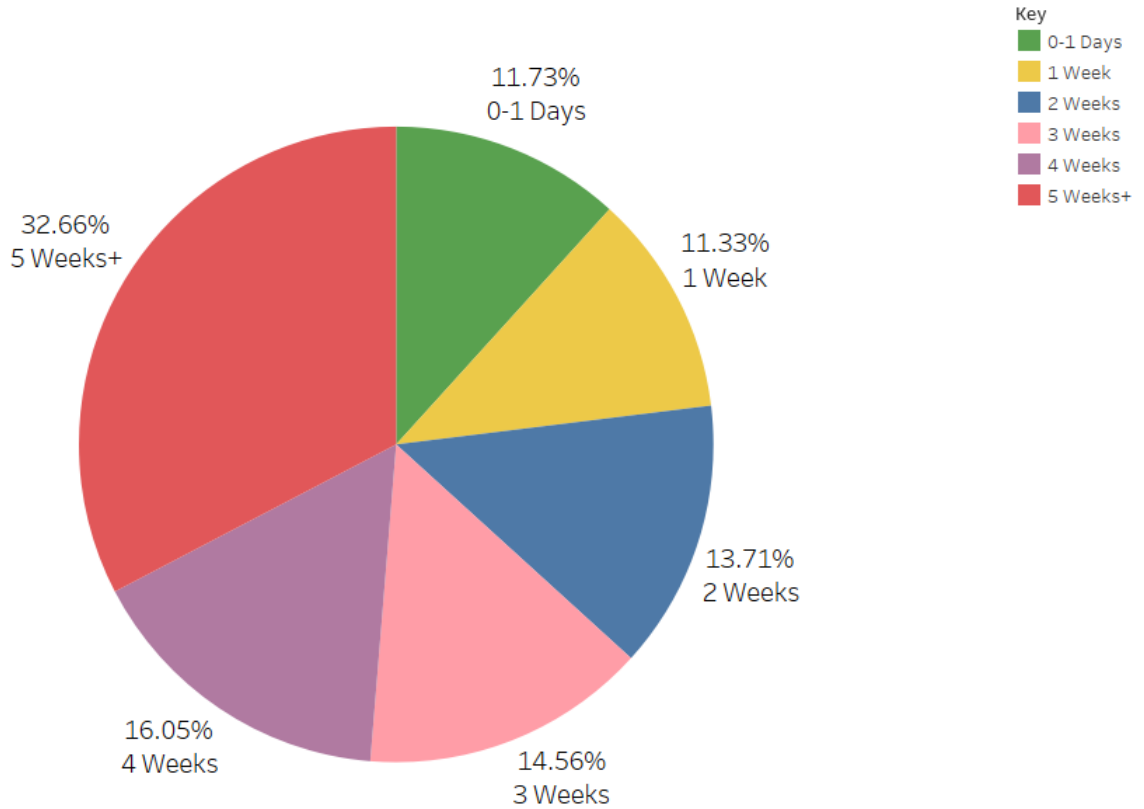
4 Case Closure

- By the end of March 2017, all local authorities and their appellants had been provided with access to FOAM (Fast Online Appeal Management). The online system has resulted in a new way of handling appeals with the facility for messaging and all parties having access to the same information and evidence in the same place. This allows the adjudicator to adopt a more inquisitorial approach to ascertain details of the case.
- Appealing to the Traffic Penalty Tribunal is a judicial process and whilst it is not appropriate to set rigid timescales, the tribunal’s objective is to provide:

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

The following graph provides a breakdown of case closure times across all appeal streams in FOAM (excluding Dart Charge & Merseyflow). In summary, across the appeal streams (excluding Dart Charge & Merseyflow):

- Approx. 12% case of closed within a day of them being submitted
- Almost a quarter (23%) of case are closed in a week or less
- Approx. 37% of cases are closed within 2 weeks
- Over half (51%) of cases closed within 3 weeks
- Over two thirds (67%) of cases are closed within 4 weeks



4. Assisted Digital & Helping Offline Appellants

The Tribunal has long recognised the importance of complementing the online system with an experienced customer service team to provide support to appellants in making an appeal. For most appellants it will be their first and perhaps their only experience of engaging with a judicial process.

For the small percentage of people who do find it initially difficult to go online, TPT provides Assisted Digital Support. Contact with the customer service team is also available for all appellants throughout the process should they need it.

The tribunal’s customer service team proactively engages with appellants to promote, explain and support the online appeal process, both with appellants who wish to go online but need assistance and those who require an alternative way of appealing.

Examples of assisted digital support include:

- A helpline number means staff can talk people through the process
- Staff stay on the line and help people to upload their appeal
- The team contact people who have started compiling their appeal online but not completed it to help them do so.

- Posting an appeal form and uploading the case as a proxy so that the authority may engage online while the appellant receives letters and phone calls.
- Taking appeal details over the phone where people cannot submit online or complete a form.

Off line appellants during this period made up approximately 18% of the total appeals submitted i.e. approximately 82% of appeals were submitted online (excluding Dart Charge & Merseyflow).

Of the 82% that submitted their appeal online there will be many that have contacted the tribunal by phone or email and have been assisted in successfully submitting their appeal online.

However, it is recognised that there will be appellants who, because of their ability, confidence or preference, choose to request a form be posted to them

However, even where a form has been posted during this period (1144 forms) we have recorded that 113 of them (10%) have successfully appealed online rather than return the paper form, this is excluding Dart Charge & Merseyflow appeals.

The tribunal continues to refine its online appeals system and keep under review its Assisted Digital support to enhance the accessibility of independent adjudication.

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