

Bus Lane Adjudication Service Joint Committee

Agenda

Date: Tuesday 31st January 2017
Time: 12.30 pm or on the rise of PATROL Executive Sub Committee
Venue: The Bishop Partridge Hall, Church House, Dean's Yard,
Westminster, London SW1P 3NZ

1. **Apologies for Absence**

To receive apologies for absence

2. **Declaration of Interest**

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

3. **Minutes of the meeting held on 18 October 2016** (Pages 1 - 4)

To approve the minutes of the Bus Lane Adjudication Service Joint Committee Executive Sub Committee held on 18 October 2016

4. **Chair's Update**

To provide an update on developments since the meeting in October 2016

5. **PATROL and BLASJC Resources Working Group and Sub Committee**
(Pages 5 - 8)

To report on the PATROL AND BLASJC's Resources Working Group and Sub Committee's meeting held on 10 January 2017

6. **Chief Adjudicator's Update**

To receive a verbal report from the Chief Adjudicator

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

7. **Budget Monitoring 2016/17** (Pages 9 - 12)

To note income and expenditure to 30 November 2016 and the projected outturn

8. **Service Level Agreement between the Joint Committees and Cheshire East Council** (Pages 13 - 30)

To approve the variations to the service level agreement with the Host Authority for 2017/18

9. **Revenue Budgets for 2017/18** (Pages 31 - 34)

To establish the Joint Committee's Revenue Budgets for 2017/18

10. **Defraying the expenses of the Joint Committee 2017/18** (Pages 35 - 38)

To approve the basis for defraying the expenses of the Joint Committee 2017/18

11. **Risk Register** (Pages 39 - 46)

To note the latest review of the Risk Register

12. **General Progress and Service Standards** (Pages 47 - 58)

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

13. **Date of Next Meeting**

11 July 2017 – Church House, Westminster

Minutes of a meeting of the
Bus Lane Adjudication Service Joint Committee
 held on Tuesday, 18th October, 2016 at The Hoare Memorial Hall, Church
 House Westminster, Dean's Yard, London SW1P 3NZ

PRESENT

Councillor Tony Page (Reading Borough Council) in the Chair

Councillors

Graham Burgess	Hampshire County Council (Vice Chair)
Jamie Macrae	Cheshire East Council
Terry Douris	Hertfordshire County Council
Anthony Clarke	Bath and North East Somerset Council
Nigel Cooke	Stockton Council
David Fothergill	Somerset County Council

Officers in attendance:

Graham Addicott OBE	Vice Chair Advisory Board
Marc Samways	Advisory Board
Robin Chantrill-Smith	Thanet District Council
John McEvoy	Carmarthenshire County Council
Louise Hutchinson	Director PATROL
Caroline Sheppard	Chief Adjudicator
Stephen Knapp	Deputy Chief Adjudicator
Iain Worrall	Traffic Penalty Tribunal
Andy Diamond	Traffic Penalty Tribunal
Cherry Foreman	Cheshire East Council

18 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN OF THE EXECUTIVE SUB COMMITTEE

Consideration was given to the appointment of the Chairman and the Vice-Chairman until the next meeting of the Joint Committee.

RESOLVED

That the following appointments be made:

Chairman	Councillor Tony Page (Reading Borough Council)
Vice-Chairman	Councillor Graham Burgess (Hampshire County Council)

19 APOLOGIES FOR ABSENCE

The apologies for absence were noted.

20 DECLARATIONS OF INTEREST

There were no declarations of interest.

21 MINUTES OF THE BUS LANE ADJUDICATION SERVICE EXECUTIVE SUB COMMITTEE MEETING HELD ON 27 JANUARY 2016

RESOLVED

That the minutes of the meeting held on 27 January 2016 be approved as a correct record.

22 MINUTES OF THE BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE MEETING HELD ON 12 JULY 2016

RESOLVED

That the minutes of the meeting held on 12 July 2016 be approved as a correct record.

23 CHAIR'S UPDATE

The Chairman reported that Sandwell Metropolitan Borough Council had recently started using the bus lane adjudication service bring the total number of Councils to fifty-three.

RESOLVED

That the update be noted.

24 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE

Consideration was given to a report of this meeting at which consideration had included other potential areas of adjudication, the use of automatic number plate recognition in local authority car parks, low priority audit recommendations, procurement, review of the risk register and the post of communications manager.

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.

25 AUDIT COMMISSION SMALL BODIES ANNUAL RETURN FOR THE YEAR ENDED 31 MARCH 2016

The Committee was asked to consider the findings of the external auditors for 2015/16. At its meeting on 12 July 2016 the Joint Committee had approved the draft report and also the appointment of BDO LLP to audit its annual return and this was now attached as an appendix to the report. No issues were arising from the audit.

The Financial Scheme of Delegation had been reviewed and updated to take into account recent changes to roles and designations and revised amounts for investment deposits.

RESOLVED

1. That the findings of the external auditor for 2015/16, as shown in Appendix 1 of the report, be noted, and that there were no issues arising.
2. That approval be given to the revised PATROL and Bus Lane Adjudication Service Local Scheme of Financial Delegation, set out in Appendix 2 of the report.

26 BUDGET MONITORING 2016/17

The Director reported that the revenue budget estimate for the year 2016/17 had been approved by the Committee at its meeting on 27 January 2016. Following this, and based on the budget, it had then been agreed at the July meeting to reduce the basis of defraying expenses from 45 pence to 40 pence per PCN backdated to 1 April 2016. The adjustments had been applied in July and the full outturn position was now included based on the forecasts on the assumption of a 40 pence contributions and a contribution from reserves as outlined at the meeting in July.

The Tribunal operated on a self-financing basis and details were given of its income, expenditure and of the outturn forecast which showed a surplus.

RESOLVED

1. That the income, expenditure and reserves at 31 July 2016 be noted.
2. That the 2016/2017 income and expenditure position be considered further at the next meeting of the Joint Committee.

27 RISK REGISTER

Consideration was given to the Risk Register which had been reviewed in accordance with the Risk Management Strategy.

RESOLVED

That approval be given to the Risk Register following its latest review.

28 GENERAL PROGRESS REPORT

The Director presented this report giving an appeals summary for the first three months of this financial year and giving year on year comparisons. The number of PCNs appealed showed an increase of 3.3%. The report included examples of feedback from local authorities which continued to be very positive.

RESOLVED

That the update be noted.

29 APPOINTMENT TO THE ADVISORY BOARD

Consideration was given to the appointment of a Unitary Council representative to the Advisory Board; a copy of the Terms of Reference setting out the make up of the Board was attached.

RESOLVED

That approval be given to the appointment of Paul Nicholls of Brighton and Hove City Council as the Unitary Council Representative on the Advisory Board.

30 DATES OF NEXT MEETINGS

RESOLVED

That the next two meetings be held on 31 January 2017 and 11 July 2017.

The meeting commenced at 12.25 pm and concluded at 12.30 pm

PATROL AND BUS LANE ADJUDICATION JOINT COMMITTEE EXECUTIVE SUB COMMITTEE

Date of Meeting: 31st January 2017
Report of: The Director
Subject/Title: Report of the PATROL and BLASJC Resources Working Group and Sub Committee meeting held 10th January 2017.

1.0 Report Summary

1.1 To report on the Resources Sub Committee and Working Group meeting held 10th January 2017.

2.0 Recommendations

2.1 To note the resolutions of the Resources Sub Committee and Working Group meeting on 10th January 2017

2.2 To approve the Resources Sub Committee and Working Group overseeing matters highlighted in the report and any previously approved and report back to the July 2017 meetings of the Joint Committee.

3.0 Reasons for Recommendations

3.1 To update the Joint Committee Executive Sub Committee

4.0 Financial Implications

4.1 The Resources Sub Committee and Working Group considers financial papers before they are presented to the Joint Committee or its Executive Sub Committee.

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 The Resources Sub Committee and Working Group considers risk management papers before they are presented to the Joint Committee or its Executive Sub Committee.

7.0 Background and Options

7.1 The June 2016 meeting of the Joint Committee and the October 2016 meeting of its Executive Sub Committee resolved that the Resources Sub Committee

and Working Group would oversee a number of initiatives with resources implications.

7.2 The meeting took place on 10th January 2017. The Resources Sub Committee:

- Noted the recommendation from the University of Birmingham User Survey to introduce a standardised Notice of Rejection of Representations following the FOAM roll out.
- Noted that a written submission had been made to the Transport Select Committee Inquiry into Urban Congestion.
- Recommended that a PATROL position paper on the introduction of the remaining powers of Part 6 of the Traffic Management Act (Moving Traffic Powers) will be circulated amongst the Executive Sub Committee and other interested authorities.
- Noted that the Chief Adjudicator had been invited to present FOAM (Fast Online Appeal Management) to the All Party Parliamentary Group on Alternative Dispute Resolution (ADR)
- Noted that to date 70 authorities have returned annual statistics as part of a drive to develop an evidence base of enforcement and appeals outside London.
- Noted that the next PATROL Annual Report Awards reception at the House of Commons reception is scheduled for 11th July 2017.
- Noted that the Department for Transport is in the process of reviewing Statutory Guidance in the light of the removal of Operational Guidance
- Noted the FOAM roll out (reported elsewhere on this agenda)
- Recommended the financial papers reported elsewhere in this agenda.
- Noted a report of purchases falling outside the Financial Regulations.

7.3 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and any previously approved and report back to the July 2017 meetings of the Joint Committee.

8.0 Recommendation

8.1 To note the resolutions of the Resources Sub Committee and Working Group meeting on 10th January 2017

8.2 To approve the Resources Sub Committee and Working Group overseeing matters highlighted in the report and any previously approved and report back to the July 2017 meetings of the Joint Committee.

9.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

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BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
Executive Sub Committee

Date of Meeting:	31 st January 2017
Report of:	The Director in consultation with the PATROL and BLASJC Resources Working Group and Sub Committee
Subject/Title:	Budget monitoring of revenue account 2016/17

1.0 Report Summary

- 1.1 To present income and expenditure monitoring information at 30th November 2016 and the projected outturn for 2016/17.

2.0 Recommendation

- 2.1 To note the income and expenditure at 30th November 2016 and the projected outturn (Appendix 1).

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 provides assurance as set out in the risk register.

7.0 Background and Options

- 7.1 At the meeting of the Bus Lane Adjudication Service Joint Committee held on 27th January 2016 the revenue budget estimate was approved for the year 2016/17.

- 7.2 The Tribunal is operated on a self-financing basis with income obtained from defraying expenses amongst the BLASJC member authorities. The revenue budget estimates were established on the basis that this would reflect the councils who were already members of the BLASJC.

- 7.3 This report provides the Joint Committee with the position at 30th November 2016 and the projected outturn for 2016/17 (Appendix1).
- 7.4 There has been an overachievement of income in the first eight months of 2016/17 giving a favourable variance of £64,345 / 22%. This is due to the volume of PCNs issued being greater than forecast and reflects new councils joining the scheme.
- 7.5 Turning to expenditure, the recharge to PATROL is 10% favourable to budget.
- 7.6 There is an overall surplus of £91,872 for the eight-month period to 30th November 2016.
- 7.7 The forecast outturn is an overall surplus of £51,545.

8.0 Recommendation

- 8.1 To note the income, expenditure and reserves position at 30th November 2016 and the projected outturn for 31st March 2017.

9.0 Access to Information

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

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

APPENDIX 1: Bus Lane Outturn to 30.11.16

Bus Lane Outturn 30.11.16								
	Year to Date				Full Year			
	30.11.16	30.11.16	30.11.16	30.11.16	2016/17	2016/17	2015/16	2015/16
	Actual	Budget	Var to Budget	Var to Budget	Forecast Outturn	Full Year Budget	Var to Budget	Prior Year Result
Income								
Bus Lane Income	354,676	290,331	64,345	22.16%	464,400	435,496	28,904	618,521
Other Income			0	0.00%				
Bank Interest			0	0.00%				
Total Income	354,676	290,331	64,345	22.16%	464,400	435,496	28,904	618,521
Expenditure:								
Adjudicators								
Staff								
Premises / Accommodation								
Transport								
Supplies and Services	256,081	283,608	27,527	9.71%	412,855	425,421	12,566	348,760
IT								
Services Management and Support								
Audit Fees								
Contingency								-41,605
Total Expenditure	256,081	283,608	27,527	9.71%	412,855	425,421	12,566	307,155
Surplus / (Deficit)	98,595	6,723	91,872	-1366.60%	51,545	10,075	41,470	311,366

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

Date of Meeting: 31st January 2017
Report of: The Director
Subject/Title: Service Level Agreement with Cheshire East Council
2017/18

1.0 Report Summary

- 1.1 To present the Service Level Agreement (SLA) with Cheshire East Council (CEC) (The Host Authority) for 2017/18 which represents the fifth of the five-year term of the host authority appointment.

2.0 Recommendations

- 2.1 It is recommended that the variations to the SLA for 2017/18 are approved and CEC is reimbursed for its services.
- 2.2 The Resources Working Group will be asked to oversee a review of the Host Authority SLA (which terminates on 31 March 2018) to be presented at the July 2017 Joint Committee meeting.

3.0 Reasons for Recommendations

- 3.1 To comply with the SLA.

4.0 Financial Implications

- 4.1 Set out in the report

5.0 Legal Implications

- 5.1 The SLA has been prepared by the parties in accordance with the provisions of paragraph 3 of Schedule 6 of the PATROLAJC Agreement and paragraph 3 of Schedule 6 of the BLASJC Agreement. The SLA is not intended to be legally binding.

6.0 Risk Management

- 6.1 Contributes to an appropriate governance framework.

7.0 Background and Options

- 7.1 Schedule 6 of the PATROL and Bus Lane Adjudication Service agreement makes reference to the development of a non-binding service level agreement (SLA) between the Joint Committee and the Lead Authority for the provision of services. The SLA (Appendix 1) was presented for approval at the June 2014 meeting and formally adopted on 27 August 2014.
- 7.2 Schedule 7 of the SLA makes provision for annual service reviews and variations over the five-year period. Any proposed variations to this SLA will be presented to the PATROLAJC in the January preceding the financial year to which the SLA applies.
- 7.3 The charge for 2016/17 was £48,440.

The Host Authority charges to date have been:

2013/14	£44,500
2014/15	£45,250
2015/16	£47,880
2016/17	£48,440

A review of services has been undertaken in relation to Schedule 2 to the SLA for 2017/18. The host authority is assuming an inflationary increase of 1.2% (current CPI rate) to all elements of the 2016/17 charge apart from the retainer of £10,000.

- 7.4 The budget for the 2017/18 host authority costs of £50,000 is broken down as follows.

£48,902.00	Host Authority Charge
£ 950.00	Payroll Charge
£ 148.72	Contingency
£50,000.00	Total Budgeted Host Authority Charges 17/18

8.0 Recommendations

- 8.1 It is recommended that the variations to the SLA for 2017/18 are approved and CEC is reimbursed for its services.
- 8.2 The Resources Working Group will be asked to oversee a review of the Host Authority SLA (which terminates on 31 March 2018) and the results to be presented to the July 2017 Joint Committee meeting.

9.0 Access to Information

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

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

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DATED 3rd December 2014

PARKING AND TRAFFIC REGULATIONS OUTSIDE
LONDON ADJUDICATION JOINT COMMITTEE

and

CHESHIRE EAST COUNCIL

and

BUS LANE ADJUDICATION SERVICE JOINT
COMMITTEE

SERVICE LEVEL AGREEMENT

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



N A B A R R O

125 London Wall
London EC2Y 5AL

Tel: +44 (0)20 7524 6000

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SERVICE LEVEL AGREEMENT

DATE

PARTIES

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

RECITALS

- (A) Local authorities who are enforcement authorities for the purposes of Part 6 of the Traffic Management Act 2004 (the "**2004 Act**") in relation to road traffic contraventions have entered into arrangements for the discharge of functions relating to adjudication and adjudicators conferred on them under section 81 of the 2004 Act and regulations made under the 2004 Act through a joint committee known as PATROLAJC by an agreement dated 3 December 2014 (the "**PATROLAJC Agreement**").
- (B) Local authorities who are approved local authorities for the purposes of section 144 of the Transport Act 2000 (the "**2000 Act**") in relation to bus lane contraventions have entered into arrangements for the discharge of functions relating to adjudication and adjudicators conferred on them under the 2000 Act and regulations made under the 2000 Act through a joint committee known as the Bus Lane Adjudication Service Joint Committee (the "**BLASJC**") by an agreement dated 3 December 2014 (the "**BLASJC Agreement**").
- (C) The functions of the PATROLAJC are as set out in Schedule 3 of the PATROLAJC Agreement and the functions of the BLASJC are as set out in Schedule 3 of the BLASJC Agreement.
- (D) Pursuant to the PATROLAJC Agreement, Cheshire East Council is with effect from 1 April 2013 appointed as the Lead Authority of the PATROLAJC to provide such goods and services as may from time to time be required and pursuant to the BLASJC Agreement, Cheshire East Council is with effect from 1 April 2013 appointed as the Lead Authority of the BLASJC to provide such goods and services as may from time to time be required.
- (E) The PATROLAJC wishes to receive goods and services from Cheshire East Council. The BLASJC wishes the PATROLAJC to procure goods and services from Cheshire East Council on its behalf as from time to time may be required. Cheshire East Council has agreed to provide goods and services to the PATROLAJC and the BLASJC in accordance with the PATROLAJC Agreement and the BLASJC Agreement.

- (F) This SLA is not intended to be legally binding. This SLA has been prepared by the parties in accordance with the provisions of paragraph 3 of Schedule 6 of the PATROLAJC Agreement and paragraph 3 of Schedule 6 of the BLASJC Agreement.

1. DEFINITIONS

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

"Adjudicators"

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

"Advisory Board"

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

"BLASJC Standing Orders"

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

"PATROLAJC Standing Orders"

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

"Delegations"

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

"Financial Regulations"

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

"Head of Service"

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

"Liaison Officer"

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

"Memorandum of Understanding"

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

"PATROLAJC's Representative"

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

"SLA"

means this service level agreement.

2. TERM

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

3. REPRESENTATIVES

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

4. SERVICES

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

5. DELEGATION OF FUNCTIONS

- 5.1 The parties to this SLA shall work together, acting reasonably, to agree in writing the functions that shall be delegated by the Lead Authority to the Head of Service and the extent to which those functions shall be delegated (the "**Delegations**") before 31 March 2015.

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

6. COSTS

- 6.1 Pursuant to the PATROLAJC Agreement and the BLASJC Agreement, the Lead Authority is entitled to reimbursement by the participating authorities of costs and expenses properly incurred by it in undertaking its role as Lead Authority.
- 6.2 The estimated cost of providing services pursuant to this SLA in the year from 1 April 2014 to 31 March 2015 is £52,750.00. A breakdown of such total estimated cost is set out in **Schedule 2**. The Lead Authority shall notify the PATROLAJC of the estimated cost of providing services pursuant to this SLA for subsequent years on or before 1 December in the preceding year.
- 6.3 The estimated cost of providing services pursuant to this SLA (as notified in accordance with **clause 6.2**) will be reviewed by the PATROLAJC's Representative and the Liaison Officer as follows:
- 6.3.1 every six months from 1 April 2014 to 31 March 2015; and
- 6.3.2 annually thereafter,
- and adjustments to the estimated cost will be agreed at those review meetings.
- 6.4 Costs payable pursuant to this **clause 7** shall be paid by the PATROLAJC (in respect of services provided to the PATROLAJC and to the BLASJC) to the Lead Authority within 30 days of receipt of an invoice from the Lead Authority to the PATROLAJC.
- 6.5 On or before 1 April in each year, the PATROLAJC and the Lead Authority will agree the frequency of submission of invoices and method of payment of costs for the coming year.
- 6.6 Payments of costs to the Lead Authority by the PATROLAJC is subject to audit of the services provided and costs incurred.

7. SERVICE REVIEWS AND SERVICE VARIATIONS

- 7.1 The PATROLAJC's Representative and the Liaison Officer (and such other representatives from the PATROLAJC, the BLASJC and the Lead Authority as they may invite) shall attend regular service review meetings at such frequency and times to be agreed between them to review the scope and nature of services provided pursuant to this SLA, the provision of service by the Lead Authority and working arrangements.
- 7.2 On or before 31 October in each year, the Lead Authority will provide to the PATROLAJC a report summarising the services provided in the previous year in a format to be agreed between the PATROLAJC's Representative and the Liaison Officer.

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

8. DISPUTES

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

9. VARIATIONS

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

10. NOT USED

11. TERMINATION

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

Signed for and on behalf of the PATROLAJC

✓
(Signature)

03/12/14
.....
(Date)

Signed for and on behalf of the BLASJC

✓
(Signature)

03/12/14
.....
(Date)

Signed for and on behalf of Cheshire East Council:

.....
(Signature)

3/12/14
.....
(Date)

Schedule 1

Services

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

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

Schedule 2

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

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

above and would be subject to discussion with PATROL.	
<p>Democratic Services Support</p> <ul style="list-style-type: none"> On behalf of the Lead Officer act as Secretary to PATROL Committees Sub-committees and working groups, assuring that these bodies operate at maximum effectiveness. Assume up to 4 meetings per year half a day preparation full day travelling and attendance and half day follow up. Total of 10 hours per meeting. Production of Agendas and Minutes. Advertising of Meetings. Assist the Lead Officer in the development of modern technology enabled and efficient processes regarding the formal decision making structures of PATROL. 	£7,650.00
<p>Legal</p> <p>Charge for day-to-day Legal Services support to PATROL.</p> <p>Legal Services will also charge on an ad hoc basis for any contract/corporate and employment work, for example, advising on contract/procurement matters and employment tribunal proceeding.</p>	£7,650.00
<p>Finance</p> <p>Ongoing / ad-hoc support on the following areas to be provided to the Head of Service and PATROL management team – primarily provided by telephone/email:</p> <ul style="list-style-type: none"> Advice on Investment Strategy & General Banking Arrangements; Advice on Reserves Policy Statement Ad-hoc advice on general financial management <p>VAT Administration</p> <ul style="list-style-type: none"> Quarterly VAT claim VAT advice, and Resolution of issues <p>Insurance Charges covering the following:-</p> <ul style="list-style-type: none"> Employers' Liability Public Liability Officials Indemnity Fidelity Guarantee 	£7,650.00
<p>Strategic Commissioning – Hosting of PATROL</p> <p>Service charge for the Strategic Commissioning service hosting PATROL. The charge is based on support being provided by a combination of the following Officers:</p> <ul style="list-style-type: none"> George Broughton – Strategic Commissioning Manager; and The Strategic Commissioning Team. 	£7,650.00
TOTAL	£42,750.00

<p>In addition, a retainer of £10,000 is to be included to cover support and advice provided by the following services. This support/advice is expected to be on an ad-hoc basis:</p>	
<p>Support Service provided on ad-hoc basis:</p>	
<p>Assets</p>	<p>Support to be provided to PATROL on an ad-hoc basis.</p>
<p>FOI</p>	<p>PATROL to handle requests and would only be seeking advice from CEC on an ad hoc basis. Resource requirements expected to be no more than a couple of phone calls and the reviewing of a response letters a month, if not bi-monthly.</p>
<p>Procurement</p>	<p>Advice to be provided to PATROL on an ad-hoc basis.</p>
<p>IT Support</p>	<p>No routine service support to be provided. Technical support to be provided on an ad-hoc basis</p>
<p>Health & Safety Support</p>	<p>Support to be provided on an ad-hoc basis.</p>
<p>TOTAL CHARGE £52,750.00</p>	

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

**BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
Executive Sub Committee**

Date of Meeting: 31st January 2017
Report of: The Director on behalf of the Advisory Board.
Subject/Title: Budget estimates for 2017/18

1.0 Report Summary

1.1 To request the Joint Committee to adopt the budget estimates for 2017/18.

2.0 Recommendation

2.1 It is recommended that the Joint Committee agrees to adopt the revenue budget estimates for 2017/18 as detailed in Appendix 1.

3.0 Reasons for Recommendation

3.1 Compliance with the Joint Committee's Financial Regulations

4.0 Financial Implications

4.1 Detailed in the report.

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 Budget setting and forecasting forms part of the risk register.

7.0 Background and Options

7.1 In accordance with the Bus Lane Adjudication Service Joint Committee (BLASJC) Agreement and its Financial Regulations, it is necessary to establish a budget estimate for the forthcoming year. An assessment has been made of the likely service take up during 2017/18 and therefore the adjudicators, administrative support and accommodation needed. This reports deals with the establishment of budgets to meet this level of demand.

7.2 The adjudication service is to be operated on a self-financing basis with income obtained from contributions from BLASJC member authorities.

7.3 In common with the budget setting process adopted by the PATROL Adjudication Joint Committee, no assumption is made about new councils joining in 2017/18.

- 7.4 It has been agreed that both parking and bus lane adjudications are to be administered and heard by adjudicators, in an integrated fashion to afford an opportunity for cost sharing, further economies of scale and the ability to provide an efficient and effective service. The BLASJC is recharged by the PATROL Adjudication Joint Committee for this purpose.
- 7.5 An assessment has been made of the revenue budget that will be needed to meet the demands on adjudication during 2017/18.
- 7.6 The recharge mechanism takes account of appeals and hearing activity as well as the proportion of PCNs compared to other appeals streams in accordance with the Joint Committee's billing arrangements.
- 7.7 The proposed budget is set out at Appendix 1.

8.0 Recommendation

- 8.1 It is recommended that the Joint Committee agrees to adopt the revenue budget estimates for 2017/18 as detailed in Appendix 1.

9.0 Access to Information

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

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

Appendix 1: Bus Lane Budget 17/18

	Budget	Budget	Outturn
	2017/18	2016/17	2016/17
Income			
Bus Lane Income	480,000	435,496	464,400
Contribution to/from reserves	12,990	(10,075)	
Total Income	492,990	425,421	464,400
Expenditure:			
Adjudicators			
Staff			
Premises / Accommodation			
Transport			
Supplies and Services	492,990	425,421	412,855
IT			
Services Management and Support			
Audit Fees			
Contingency			
Total Expenditure	492,990	425,421	412,855
Surplus / (Deficit)	0	0	51,545

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**BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
Executive Sub Committee**

Date of Meeting: 31st January 2017
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 2017/18

1.0 Report Summary

- 1.1 To establish the basis for those participating in the Joint Committee to contribute to its expenses during 2017/18.

2.0 Recommendations

- 2.1 The Joint Committee reviews the options for defraying expenses set out in the report and notes the Resources Working Group and Sub Committee recommendation.
- 2.2 No annual charge or cost per case is payable.
- 2.3 Invoicing will be undertaken on a quarterly basis on estimated figures and subsequently adjusted to actual figures at the September and March points.
- 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 Bus Lane Adjudication Service Joint Committee (BLASJC) 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 bus lane enforcement in England (outside London).

7.2 The BLASJC agreement provides for the adjudication service to be operated on a self-financing basis with expenses shared by participating. Where authorities are working in partnership, it is practice on to charge those enforcement authorities who manage the enforcement income stream.

7.3 Budgeting takes account of the number of new councils that have joined the scheme during 2016/17 but not those forecast to join in 2017/18.

7.4 In order to establish the basis for defraying expense in 2017/18, the following options are put forward for consideration. The Resources Working Group and Sub Committee recommendation is Option 3.

Option 1

Retain the current rate of 40 pence per PCN – this would result in a deficit of £12,990

Option 2

Reduce from 40 pence to 35 pence per PCN – this would result in a forecast deficit of £72,990

Option 3

Retain the current rate of 40 pence per PCN and review at the half year point in July 2017.

8.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

Table 1: Budget showing anticipated surplus based on 45 pence contribution

Bus lanes 2016-17						
	BUDGET 2016/17	BUDGET 2015/16	BUDGET 16/17 VS 15/16	OUTURN 2014/15	BUDGET 2014/15	FORECAST OUTURN 2015-16
Bus lane Income @£0.45	435,496	431,647	3,849	461,191	459,085	606,270
Bank Interest	0		0			
Other Income	0		0			
Contribution from/to Reserves	0		0		12,644	
Total Income	435,496	431,647	3,849	461,191	471,729	606,270
Contingency/Baddebt			0	41,605		(41,605)
Audit	0	3,060	3,060	1,800	3,500	1,000
Supplies and Service	0	100	100	289	4,700	100
Adjudication Costs	425,421	425,734	313	452,607	463,529	364,667
Total Expense	425,421	428,894	3,473	496,301	471,729	324,162
Surplus / (Deficit)	10,075	2,753	376	(35,110)	0	282,108

Table 2: Budget showing contribution from BLASJC 2015/16 surplus where the basis for defraying expenses is 40 pence.

	BUDGET 2016/17	BUDGET 2015/16	BUDGET 16/17 VS 15/16	OUTURN 2014/15	BUDGET 2014/15	FORECAST OUTURN 2015-16
Bus Lane Income @£0.40	387,108	431,647	(44,539)	461,191	459,085	606,270
Bank Interest	0		0			
Other Income	0		0			
Contribution from/to Reserves	38,314		38,314		12,644	
Total Income	425,421	431,647	(6,226)	461,191	471,729	606,270
Contingency/Bad debt			0	41,605		(41,605)
Audit	0	3,060	3,060	1,800	3,500	1,000
Bank Service Charges	0	100	100	289	4,700	100
Adjudication Costs	425,421	425,734	313	452,607	463,529	364,667
Total Expense	425,421	428,894	3,473	496,301	471,729	324,162
Surplus / (Deficit)	0	2,753	(9,699)	(35,110)	0	282,108

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

Date of Meeting: 31st January 2017
Report of: The Director on behalf of the Resources Working Group and
Sub Committee
Subject/Title: Risk Register

1.0 Report Summary

1.1 To present the latest review of the risk register

2.0 Recommendation

2.1 To note the latest review of the risk register

3.0 Reasons for Recommendations

3.1 Compliance with the Joint Committee's Risk Management Strategy

4.0 Financial Implications

4.1 None at this time

5.0 Legal Implications

5.1 None at this time

6.0 Risk Management

6.1 The risk register forms part of the Risk Management Strategy

7.0 Background and Options

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

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

8.0 Recommendation

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

9.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

Appendix 1: RISK REGISTER JANUARY 2017

Rank	Risk Description	Consequence Description	Risk Impact	Likelihood	Score	Key Controls In Place	Assurances	Response	Previously Reported Status	Current Status	Further Actions to be taken to Manage Risk Better	Lead
1.	Unforeseen significant fluctuations in income and assurance on service charge income	Inability to meet financial obligations	4	2	8	Audit figures and history on which to base forecasts. Reserve policy in place Bad debt policy	Internal & External Audit Reports Committee Reports	Treat			Continued forecasting, budget monitoring and cashflow analysis. Monitor new jurisdictions.	D
2.	Inability of IT to support needs of organisation and technology users (including data protection)	Reduced effectiveness and efficiency for tribunal, councils and appellants.	3	3	9	Robust hosting and support arrangements in place. In-house IT team providing first line support. Registered with the Information Commissioner Data Sharing Agreements implemented with respondent authorities... Frequent reporting of appeal portal development and progress.	Performance Reports IT hardware replacement programme. Technology Reserves in place Feedback from appellants and authorities to inform future development. The tribunal web site and portal explains to the parties how information will be shared.	Treat			Build upon the University of Birmingham research to obtain feedback to enhance the user experience. Refinements and developments continue to the system Privacy impact assessment being undertaken – local authorities sign up to a data sharing agreement as part of their onboarding process... A programme to roll out the portal is due to complete in March 2017.	D

Appendix 1: RISK REGISTER JANUARY 2017

3.	Loss of key members of management and staff	Disruption to operations Management of vacancies Project and operational targets affected	3	3	9	Clearly defined roles with flexibility to provide cover. Documented procedures Arrangements for temporary cover Arrangements in place to extend cover. Resources Sub Committee and Working Group established.	Committee Reports	Treat			Temporary resource to support the closure of the legacy system and transition to all appeals and witness statements handled through FOAM (Fast Online Appeal Management) Review communication requirements with external specialist agency. 2017/18 budget includes a policy role.	D
4	Insufficient adjudicator/ staff resources to meet demand	Inability to meet targets Pressure to reach decisions may result in increased number of judicial reviews	3	2	6	Monitoring of demand and performance Staff recruitment, induction, training and appraisal. Established operating model with proven systems for training and managing new staff. Contingency	Resources Sub Committee and Working Group in place Committee Reports Development of the portal will increase efficiency of the appeals process	Treat			Review capacity and training needs of adjudicators and staff in the light of the roll out of the new appeal portal and case management system...	CA/D

Appendix 1: RISK REGISTER JANUARY 2017

						Planning						
5	Achievement of Key Objectives	Failure to achieve key objectives	3	3	9	Leadership team established focussing on key objectives.	Internal & External Audit Reports Committee Reports Secondment to fill Authority Engagement Manager roll to support the take up of the portal by local authorities.	Treat			2016/17 has been a transformational and transition year where resources have been focused on the roll out to achieve results. Lessons from this exercise to be applied to other projects.	CA/D

CA = Chief Adjudicator D - Director

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

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

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

Appendix 1: RISK REGISTER JANUARY 2017

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

Appendix 1: RISK REGISTER JANUARY 2017

Risk Impact Details

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

Likelihood

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

Appendix 1: RISK REGISTER JANUARY 2017

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

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

MEASUREMENT OF RISK AND REPORTING

Risk Matrix

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

Legend:

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

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

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

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

**PATROL ADJUDICATION JOINT COMMITTEE &
BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
EXECUTIVE SUB COMMITTEE MEETINGS**

31ST JANUARY 2017

**General Progress Report and Appeals Summary
1 April 2016 – 30 November 2016**

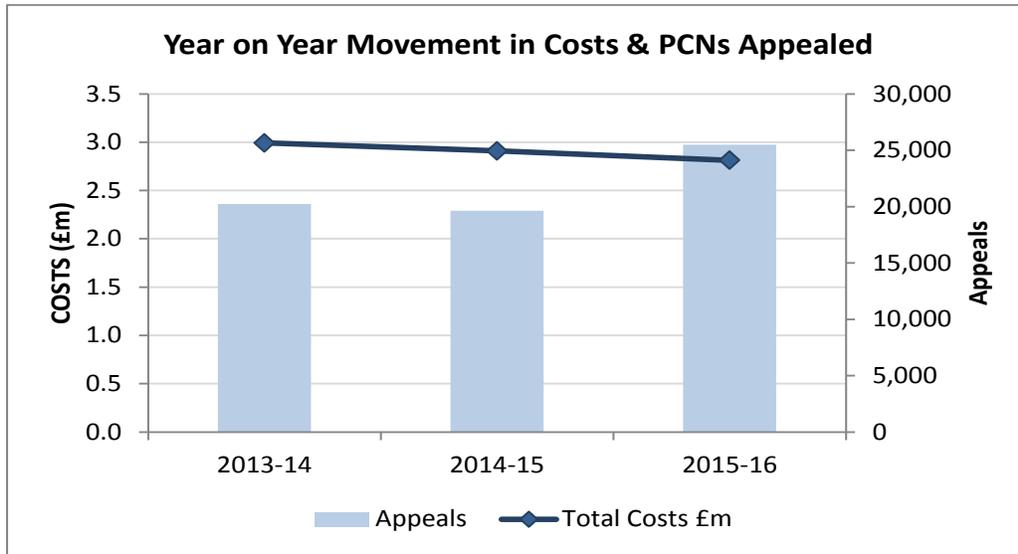
1. Background

The table below shows the year on year full year comparisons for PCNs appealed (including witness statements) for the years 2013/14 to 2015/16.

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

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

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



2. Comparing April to October 2016 with same period in 2015

The table below compares the 7-month period April to October 2015 across the two-year period.

	Bus Lanes	Parking	Other	Total
April 15 – October 15	1,781	7,341	1,266	10,388
April 16 – October 16	1,902	6,964	6,510	15,376

- Bus Lane appeals show an increase of 6.8%
- Parking appeals show an increase of 5.4%
- Other appeals show a marked increase but include 6,403 appeals for penalties issued at the Dartford River Crossing (7 months to October 2016) against 1,164 Dart Charge appeals for the same period last year.
- Total appeals (including Witness Statements) have increased by 48%.

3. Handling of appeals

The table below measures the speed of acknowledging appeals in the legacy system. This is automated in FOAM (Fast Online Appeal Management)

Period	Actual	Target
2013/14	99%	95% within 2 working days
2014/15	99%	95% within 2 working days
2015/16	99%	95% within 2 working days
2016/17	99%	95% within 2 working days

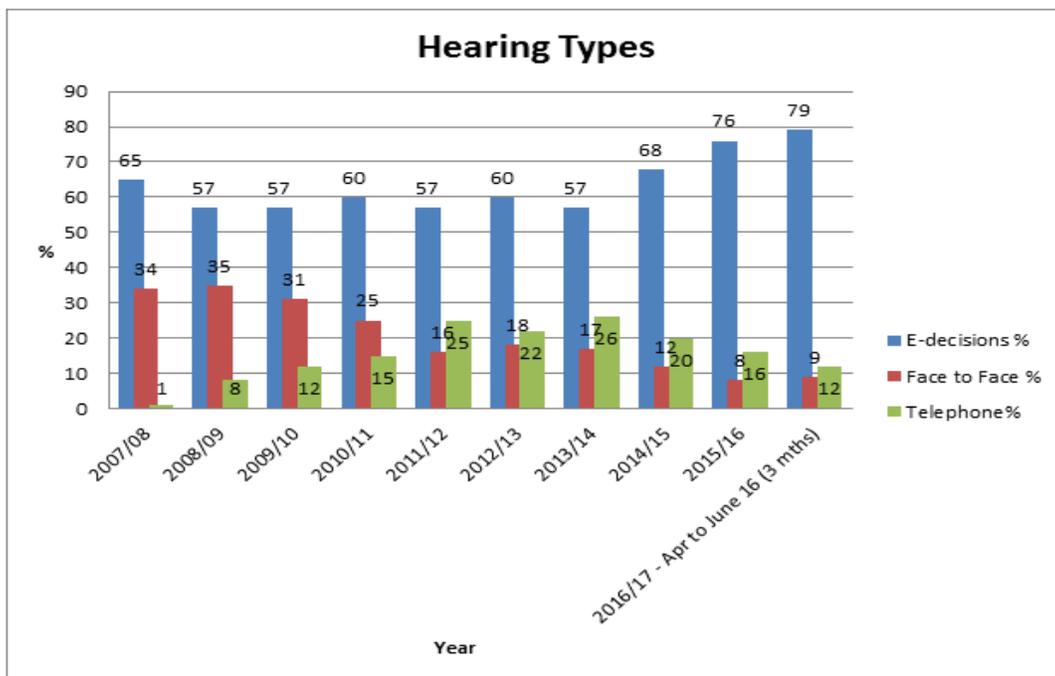
4. Hearing Types

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

All case types including Dartcharge:

Type	7m to Oct 16	12m 2015/16
E Decision	82%	76%
Telephone Hearing	11%	16%
Face to Face Hearing	8%	8%

The following graph demonstrates the changes in hearing types over the years 2007/08 to 2016/17:



5. Rollout of FOAM

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

We have held 41 workshops since March 2016, the furthest north in Sunderland and the furthest south in Cornwall.

230 authorities are now live and using FOAM which represents around 82% of the volume of appeals received. All other authorities have either been trained and given a Go Live date, or have been access to our OnLine Training Resource with an agreed go Live date.

All authorities will be given access to our Online Training Resource to enable them to refresh their training, and train new staff. A number smaller authorites are using this facility for their initial training.

We expect to have all authorities on FOAM by end March 2017.

Feedback received from authorities regarding FOAM continues to very positive:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FOAM allows us to put packs together more easily and quickly. Prior to managing cases online, it could take half a day or more to complete a pack, now a straightforward case can be completed in less than an hour. Managing cases online also reduces printing costs. We currently have 2 representations officers where

previously we have had 3. FOAM allows us to manage our workloads effectively to keep within SLAs.” - Cornwall

6. Customer Service

The Customer Service Team can monitor the creation of appeals and in the event of appeals not being submitted, make contact with the appellant to offer assistance. In addition where an appellant has requested a paper form by which to appeal, the Customer Liaison staff contact the appellant to advise them regarding the on-line process and the benefits it offers. This contact successfully results in around 25% conversion from off-line to on-line appeals.

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

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

7. Case Closure – comparing legacy system to online system

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

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

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

Case Closure	% of cases	Cumulative %
up to 7 days	21.4%	21.4%
7 to 14 days	23.7%	45.1%
14 to 21 days	21.9%	67.0%
Over 21 days	33.0%	100%

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

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

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

The following tables set out case closure across the various appeal streams in the legacy system in detail.

During 2016/17, the tribunal is operating three systems: legacy, prototype and FOAM. . All authorities are expected to be brought into FOAM by end March 2017. Reporting will be consolidated in 2017/18

5. Case Closure (Legacy System)

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

<p>Face to face hearings</p> <p>60% of cases to be offered a face to face hearing date within 8 weeks of receipt of the Notice of Appeal. 90% of cases to be offered a face to face hearing date within 12 weeks of receipt of the Notice of Appeal</p> <p>E-decision Decisions</p> <p>80% of decisions without a hearing to be made within 7 weeks of receipt of the Notice of Appeal.</p>
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The reports on case closure include all cases which were registered in the period and have been decided, including cases which have not been contested. This data will include cases that have been delayed for the following reasons.

a) Requests from parties to the appeal:

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

b) Adjudicators may require:

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

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

Measure	April 2014 to March 2015	April 2015 to March 2016	April 2016 to end Nov 2016
Average number of weeks between registration of appeal and decision issued	4.85 weeks	4.92 weeks	4.46 weeks
Cases with less than 7 weeks between registration and decision (e-decision target)	84.18%	83.75%	91.04%
Cases with less than 12 weeks between registration and decision	96.99%	96.23%	98.55%

Cases decided through a telephone hearing:

Measure	April 2014 to March 2015	April 2015 to March 2016	April 2016 to end Nov 2016
Average number of weeks between registration of appeal and decision issued	6.74 weeks	6.69 weeks	5.94 weeks
Cases with less than 8 weeks between registration and decision (telephone target)	81.18%	82.01%	86.45%
Cases with less than 12 weeks between registration and decision (telephone target)	95.77%	94.65%	96.42%

Cases decided through a face to face hearing:

Measure	April 2014 to March 2015	April 2015 to March 2016	April 2016 to end Nov 2016
Average number of weeks between registration of appeal and decision issued	11.40 weeks	12.50 weeks	10.44 weeks
Cases with less than 8 weeks between registration and decision (face to face target)	25.22%	22.02%	30.15%
Cases with less than 12 weeks between registration and decision (face to face target)	68.59%	59.73%	76.63%

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

Measure	April 2014 to March 2015	April 2015 to March 2016	April 2016 to end Nov 2016
Average number of weeks between registration of appeal and decision issued	3.89 weeks	4.62 weeks	3.45 weeks
Cases with less than 7 weeks between registration and decision (e-decision target)	91.25%	83.55%	96.72%
Cases with less than 12 weeks between registration and decision	99.47%	94.78%	100.00%

Cases decided through a telephone hearing:

Measure	April 2014 to March 2015	April 2015 to March 2016	April 2016 to end Nov 2016
Average number of weeks between registration of appeal and decision issued	7.85 weeks	7.09 weeks	5.33
Cases with less than 8 weeks between registration and decision (telephone target)	64.56%	80.26%	90.20%
Cases with less than 12 weeks between registration and decision (telephone target)	94.94%	92.11%	100.00%

Cases decided through a face to face hearing:

Measure	April 2014 to March 2015	April 2015 to March 2016	April 2016 to end Nov 2016
Average number of weeks between registration of appeal and decision issued	12.66 weeks	12.33 weeks	11.15 weeks
Cases with less than 8 weeks between registration and decision (face to face target)	24.59%	27.91%	38.46%
Cases with less than 12 weeks between registration and decision (face to face target)	63.93%	60.47%	61.54%

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

Measure	April 2014 to March 2015	April 2015 to March 2016	April 2016 to end Nov 2016
Average number of weeks between registration of appeal and decision issued	5.05 weeks	5.02 weeks	4.54 weeks
Cases with less than 7 weeks between registration and decision (e-decision target)	80.65%	82.35%	87.97%
Cases with less than 12 weeks between registration and decision	96.43%	95.89%	98.26%

Cases decided through a telephone hearing:

Measure	April 2014 to March 2015	April 2015 to March 2016	April 2016 to end Nov 2016
Average number of weeks between registration of appeal and decision issued	7.49 weeks	7.04 weeks	5.96 weeks
Cases with less than 8 weeks between registration and decision	72.04%	77.24%	88.20%
Cases with less than 12 weeks between registration and decision	91.03%	92.74%	98.31%

Cases decided through a face to face hearing:

Measure	April 2014 to March 2015	April 2015 to March 2016	April 2016 to end Nov 2016
Average number of weeks between registration of appeal and decision issued	11.44 weeks	12.45 weeks	9.71 weeks
Cases with less than 8 weeks between registration and decision (face to face target)	27.16%	13.87%	39.73%
Cases with less than 12 weeks between registration and decision (face to face target)	66.26%	56.65%	82.19%

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