

PATROL Adjudication Joint Committee

Agenda

Date: Tuesday 16th July 2019
Time: 11.00 am
Venue: The Bishop Partridge Hall, Church House, Dean's Yard,
London SW19 3NZ

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

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

2. **Apologies for Absence**

To receive apologies for absence.

3. **Declarations of Interest**

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

4. **Minutes of the Meeting held on 10 July 2018** (Pages 1 - 10)

To approve the minutes of the PATROL Adjudication Joint Committee held on 10 July 2018.

5. **Minutes of the Meeting held on 30 January 2019** (Pages 11 - 22)

To note the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held on 30 January 2019.

6. **Chairman's Update**

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

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PATROL Joint Committee
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7. **Chief Adjudicator's Update**

To receive an update from the Chief Adjudicator.

8. **Wales Update** (Pages 23 - 24)

To note the progress with the civil enforcement regulations in Wales.

9. **Draft Annual Return 2018/19** (Pages 25 - 76)

To approve the draft annual return and note supporting documentation.

10. **Reserves Policy** (Pages 77 - 82)

To approve the updated Reserves Policy.

Items common to PATROL and Bus Lane Adjudication Service Joint Committee

11. **Establishment of Executive Sub Committees** (Pages 83 - 88)

To establish Executive Sub Committees and appoint members for the period until the annual meeting of the Joint Committee in July 2020.

12. **Report of the PATROL and BLASJC Resources Working Group**
(Pages 89 - 92)

To report on the PATROL and BLASJC Resources Working Group which met on 2 April and 18 June 2019 and to approve the updated Terms of Reference.

13. **General Progress Report** (Pages 93 - 112)

To provide general information in respect of appeals activity and tribunal initiatives during 2018/19.

14. **Public Affairs Report** (Pages 113 - 142)

To note the Public Affairs report during 2018/19.

15. **Risk Management Strategy** (Pages 143 - 148)

To note the latest review of the Risk Register.

16. **Review of Governance Documentation** (Pages 149 - 176)

To review governance matters and documentation.

17. **Appointments to the Advisory Board** (Pages 177 - 182)

To approve appointments to the Advisory Board for the period until the annual meeting of the Joint Committee in July 2020.

18. **PATROL Parking Annual Reports by Councils (PARC) Awards**
(Pages 183 - 186)

To note the shortlist for the 2017/18 PARC awards and arrangements for 2018/19 awards.

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Minutes of a meeting of the

PATROL Adjudication Joint Committee

held on Tuesday, 10th July, 2018 at Bishop Partridge Hall, Church House,
Dean's Yard, London SW1P 3NZ

PRESENT

Jamie Macrae Cheshire East Council in the Chair

Councillors

| | |
|---------------------|---------------------------------------|
| Mark Shelford | BATHNES Council |
| Fred Jackson | Blackpool Council |
| Chris Turrell | Bracknell Forest Council |
| Carole Thirkhill | Bradford City Council |
| Saoirse Horan | Brighton & Hove City Council |
| Steve Pearce | Bristol City Council |
| Margaret Smidowicz | Charnwood Borough Council |
| Eileen Lintell | Chichester District Council |
| Terry Douris | Dacorum Borough Council |
| Marilyn Peters | Dartford Borough Council |
| Stuart Hughes | Devon County Council |
| Ian Kettle | Dudley Metropolitan Borough Council |
| Jeanette Stephenson | Durham County Council |
| Gary Jones | East Herts District Council |
| Deb Holden | Eden District Council |
| Nigel Knapton | Hambleton District Council |
| Graham Burgess | Hampshire County Council |
| Gary Robinson | Havant Borough Council |
| Vanessa Churchman | Isle of Wight Council |
| Shelley Powell | Knowsley Metropolitan Borough Council |
| Mike Brookes | Lincolnshire County Council |
| Peter Davis | Oldham Metropolitan Borough Council |
| Tony Page | Reading Borough Council |
| Matthew Dickins | Sevenoaks District Council |
| John Woodman | Somerset County Council |
| Lee Wenger | Stoke on Trent City Council |
| Vera Waters | Walsall Metropolitan Borough Council |
| Jeanette Clifford | West Berkshire Council |
| Kevin Anderson | Wigan Metropolitan Borough Council |
| Stuart Whittingham | Wirrall Metropolitan Borough Council |
| Simon Cronin | Worcester City Council |
| Martin King | Wychavon District Council |

In attendance

| | |
|-----------------------|--|
| Marc Samways | Hampshire County council (Chair of the Advisory Board) |
| Graham Addicott OBE | Vice Chair PATROL Advisory Board |
| Louise Hutchinson | Director PATROL |
| Andy Diamond | PATROL |
| Caroline Sheppard OBE | Traffic Penalty Tribunal |
| Stephen Knapp | Traffic Penalty Tribunal |
| Iain Worrall | Traffic Penalty Tribunal |
| Patrick Duckworth | Traffic Penalty Tribunal |
| George Broughton | Cheshire East Council |
| Cherry Foreman | Cheshire East Council |
| Jose Garcia | Broxbourne Borough Council |
| Rob Shoebridge | Derby City Council |
| Leon Buxton | Derby City Council |

1 APPOINTMENT OF CHAIRMAN, VICE CHAIRMAN AND ASSISTANT VICE CHAIRMAN

Consideration was given to the appointment of the Chairman, Vice-Chairman, Assistant Vice-Chairman and the Assistant Vice-Chairman (Wales), these appointments to run until the next meeting.

RESOLVED

That the approval be given to the following appointments:

- Chairman - Councillor Jamie Macrae (Cheshire East Council)
- Vice-Chairman - Councillor Stuart Hughes (Devon County Council)
- Assistant Vice-Chairman - Terry Douris (Dacorum Borough Council)
- Assistant Vice-Chairman (Wales) - Councillor John James (Carmarthenshire County Council)

2 APOLOGIES FOR ABSENCE

Apologies for absence from the following Councils were reported:

Ashfield, Blaby, Bolton, Canterbury, Carmarthenshire, Chorley, Coventry, Dartford, Gedling, Gloucester, Harlow, Hertfordshire, Luton, Maldon, North East Derbyshire, Nottingham, Slough, Solihull, Southend on Sea, South Hampshire, South Staffordshire, Stockton, Sunderland, Swale, West Lancashire, Weymouth and Portland, Wyre Forest and York.

3 INTRODUCTION TO NEW MEMBERS

The Chairman welcomed new members to the Committee from the Councils for Blackburn, Blackpool, Charnwood, Dudley, Durham, Havant, Oldham, Stoke-on-Trent and Walsall.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 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.

6 MINUTES OF THE MEETING HELD ON 30 JANUARY 2018

RESOLVED

That the minutes of the meeting held on 30 January 2018 be approved as a correct record subject to the addition of Councillor Jeannette Clifford (West Berkshire Council) and Councillor Mike Brooks (Lincolnshire County Council) to those attending.

7 CHAIRMAN'S REPORT

The Chairman reported that the High Sheriff of Cheshire had recently visited the PATROL offices in Wilmslow and been very impressed with a demonstration of the Fast Online Appeals Management (FOAM) system which continued to be revised and developed in order to improve the user experience. PATROL and the Traffic Penalty Tribunal had recently been named as Digital Collaborative Exemplar for driving efficiencies in service delivery whilst improving the user experience.

The Parking and Bus Lane Tribunal for Scotland had recently started using the FOAM system on behalf of seventeen councils following training being rolled out to their staff and the Adjudicators. IT support from TPT would be maintained for an initial period of six months.

Other new streams of work for the Tribunal included that for the Mersey Gateway Crossing where the charging authority is Halton Borough Council, appeals against penalties associated with Littering from Vehicles, and also for Clean Air Zones.

The Chairman extended thanks to David Rutley MP for sponsoring the last three years Annual Awards events in the House of Commons. As he was now a Government Whip he was now precluded from taking this role and

this year's event had been sponsored by Huw Merriam MP who is also a member of the Transport Select Committee. On behalf of the Joint Committee he also thanked Councillor Richard Bell of Sunderland City Council for having been a member and regular attendee at meetings of the Committee.

RESOLVED

That the Chairman's report be noted.

8 CHIEF ADJUDICATOR'S REPORT

The Chief Adjudicator gave a very interesting and informative presentation on the work of the Traffic Penalty Tribunal and of the Fast Online Appeals Management (FOAM) System. The presentation included the history of the tribunal and how it had developed since its inception, and of the technical developments which has culminated in the digital system used today.

The continuing development of FOAM to improve the user experience, and to accommodate new appeal streams, was an ongoing priority and as a result the system had received a number of technology awards. The Committee was thanked for its support over this time which had enabled the research and development to take place including the current exploration of uses for the system elsewhere in the judiciary.

RESOLVED

That the Chief Adjudicator be thanked for her report, and that the slides used be circulated electronically to Members of the Committee.

9 REPORT OF THE PATROL AND BLASJC RESOURCES WORKING GROUP

The Committee considered the report of the PATROL and BLASJC Working Group meetings held on 20 March and 5 June 2018. The majority of the matters considered at those meetings were now reported in more detail elsewhere on this agenda.

RESOLVED

That the report be noted.

10 MEMBERS' EXPENSES POLICY

The Committee considered a revised policy for meeting Members travel costs. This followed member representation in the light of Local Authorities facing ever increasing budgetary pressures. In order to promote engagement with the Joint Committees it was proposed that

PATROL would meet some of the travel costs associated with Members attending meetings outside the Annual Meeting.

The Committee welcomed the proposals and it was agreed that the procedure for making a claim, and how it could be tailored to take into account both road and rail travel costs, would be circulated to Members and that they could then liaise with PATROL direct should any further clarification be required.

RESOLVED

That the revised Travel Expenses Policy be approved and that it be reviewed on an annual basis.

11 PUBLIC AFFAIRS OVERVIEW

Consideration was given to a detailed overview of public affairs activity in 2017/18 and on that planned for the coming year. It could be seen that significant steps had been taken in terms of engaging with the relevant bodies, and with involvement and discussions on a wide range of topics including pavement parking, moving traffic powers, littering from vehicles, clean air zones, the parking code of practice, and legislation and enforcement in general.

The report included copies of Patrol's responses to recent consultations such as the DoTs 'Accessibility Action Plan', and that on 'Reducing Litter: Penalties for Environmental Offences'. Statutory Guidance Notes were also included, and copies of published articles concerning PATROL and work with which it was involved.

In considering ongoing work in respect of Moving Traffic Powers it was reported that the next steps would be to identify suitable local authorities to collate the impact of the lack of these on local traffic management. With regard to the problems of pavement parking, and the adverse impact on local communities, it was suggested that consideration be given to the interaction of planning regulations and parking provision for a future workshop session. Also, BATHNES Council was trialling new pavement parking measures and the results would be shared with PATROL when available.

RESOLVED

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

12 DRAFT ANNUAL RETURN 2017/18

The draft Annual Return and its supporting documents were considered.

RESOLVED

1. That the outturn position against the 2017/18 budget, shown at Appendix 1 of the report, be noted.
2. That approval be given to the surplus of income over expenditure of £203,074 (which excludes £190,900 surplus ring-fenced to Highways England in respect of the Dartford-Thurrock River Crossing and £61,452 ring-fenced to Halton Borough Council in respect of the Mersey Gateway Bridge Crossing to be added to the Joint Committee's reserves.
3. That the Executive Sub-Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2018.
4. That approval be given to the 2017/18 draft Annual Return, and that the balance sheet, cash flow and audit timetable, shown as appendices 2, 3 and 4 of the report, be noted.
5. That the Annual Internal Audit Report 2017/18, shown as Appendix 5 of the report, be noted.
6. That approval be given to the revised Financial Regulations for 2018/19, shown as Appendix 6 of the report.
7. That approval be given to the revised Scheme of Financial Delegation, shown as Appendix 7 of the report.
8. That approval be given to the Code of Corporate Governance, shown as Appendix 8 of the report.

13 RISK MANAGEMENT AND BUSINESS CONTINUITY

The Committee considered the current assessment of risk. It was reported that there was one change since previously reported which related to a marginal adjustment to the Financial Resilience (CR2) score in the light of new appeal streams which had not yet had chance to stabilise with resulting fluctuations in income or costs.

RESOLVED

That the current assessment of risk be noted.

14 REVIEW OF GOVERNANCE DOCUMENTATION

Consideration was given to the governance documentation and arrangements for its review. At its meeting last July, the Committee agreed to carry out a fundamental review of the arrangements with a view

to providing greater flexibility for the Joint Committee particularly with regard to expanding the services it could provide, including to the private sector. Once finalised a revised draft agreement would be drawn up and circulated amongst the member authorities with an explanatory briefing note.

Delegations to the Chief Adjudicator and the Director were set out without change.

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

30 October 2018
29 January 2019
16 July 2019

RESOLVED

1. That the update in relation to the review of the Main Agreement be noted.
2. That the completion of the second term Service Level Agreement with the Host Authority, Cheshire East Council, be noted.
3. That the unchanged Schemes of Delegation to the Chief Adjudicator and the Director, be noted.
 - i) That approval be given to the updated Memorandum of Understanding between the Adjudicators and the Joint Committee, as shown in Appendix 3 of the report and Appoints persons to fulfil the function of the proper officer under the relevant regulations
4. That the proposed cycle of meetings for 2018/19, as reported above, be noted.

15 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEE

This report set out arrangements for each Joint Committee to establish an Executive Sub-Committee, and its Terms of Reference for the coming year. It was reported that a new clause had been inserted that Chairs elected to the Joint Committee today would assume the same positions in the Executive Sub-Committee. All new members were encouraged to join.

RESOLVED

1. That each Joint Committees establish an Executive Sub-Committee to act on behalf of the Committee until the annual meeting in July 2019, in accordance with paragraph 2 and the Appendix to this

report, and that members of the Executive Sub-Committee be appointed for the forthcoming year.

2. That the first meeting of the Executive Sub Committees be held on 30 October 2018 in London.

16 TERMS OF REFERENCE FOR THE RESOURCES WORKING GROUP AND SUB COMMITTEE

The Committee was asked to approve the Terms of Reference for the Resources Working Group and Sub-Committee.

RESOLVED

That the draft Terms of Reference be approved.

17 APPOINTMENTS TO THE ADVISORY BOARD

Members considered the Terms of Reference for the Advisory Board. The current local authority shire member, Marc Samways (Hampshire County Council), was due to retire this year and it was proposed that he be re-nominated for a further 4-year period. The Chairman thanked him and also

Graham Addicott OBE, the Vice-Chair of the Advisory Board, for their continuing support.

RESOLVED

1. That the Terms of Reference and composition of the Advisory Board, as set out in the Appendix to the report, be approved.
2. That Marc Samways be re-appointed to the Advisory Board for the four- year period to July 2022.

18 WALES UPDATE

The Director thanked Councillor John James and Carmarthenshire County Council for agreeing to Councillor James taking up the role of Assistant Chair (Wales). Cardiff remains the only council undertaking moving traffic enforcement with City & County of Swansea enforcing bus lanes. Carmarthenshire County Council has recently applied to Welsh Government for both powers.

19 GENERAL PROGRESS REPORT

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

It was reported that a recent satisfaction survey had found 83% of users said they had found the system easy to understand; as part of the continuing development of the system however, and with the approval of local authorities, revised guidance was due to be issued on how to submit an appeal. In addition, a survey was planned of those users not availing themselves of the online system in order to ascertain their user experience.

RESOLVED

That the progress report be noted.

20 PATROL PARKING ANNUAL REPORTS BY COUNCILS (PARC) AWARDS

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

The Councils shortlisted were Brighton & Hove City Council, Borough of Broxborne, Cumbria County Council, Derby City Council, Devon County council, Durham City Council, Sunderland City Council and Worcester City Council. The report included links to their reports.

For 2017/19 the deadline for submissions had been set at 31 January 2019.

RESOLVED

That the shortlisted councils, and arrangements for the 2017/18 submissions be noted.

The meeting commenced at 11.00 am and concluded at 12.30 pm

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Minutes of a meeting of the
PATROL Adjudication Joint Committee Executive Sub Committee
held on Tuesday, 29th January, 2019 at Bishop Partridge Hall, Church House,
Dean's Yard, Westminster, London SW1P 3NZ

PRESENT

Councillor Jamie Macrae (Cheshire East Council) in the Chair

Councillors

Councillor Mark Shelford – Bath and North East Somerset Council
Councillor David Chadwick - Bolton Metropolitan Borough Council
Councillor Fred Jackson - Blackpool Council
Councillor Chris Turrell - Bracknell Forest Borough Council
Councillor Saoirse Horan – Brighton & Hove City Council
Councillor Terry Douris - Dacorum Borough Council (Assistant Chair)
Councillor Marilyn Peters - Dartford Borough Council
Councillor Gary Jones - East Hertfordshire District Council
Councillor Marje Paling - Gedling Borough Council
Councillor Graham Burgess - Hampshire County Council
Councillor Phil Bibby - Hertfordshire County Council
Councillor Vanessa Churchman – Isle of Wight Council
Councillor Peter Davis - Oldham Metropolitan Borough Council
Councillor Matthew Dickins - Sevenoaks District Council
Councillor John Woodman - Somerset County Council
Councillor Keith Baldry - South Hams District Council
Councillor Alan Kerr - South Tyneside Council
Councillor Lee Wanger - Stoke on Trent City Council
Councillor Vera Waters - Walsall Metropolitan Borough Council
Councillor Kevin Anderson - Wigan Metropolitan Borough Council
Councillor Stuart Whittingham - Wirral Metropolitan Borough Council
Councillor Simon Cronin - Worcester City Council
Councillor Martin King - Wychavon District Council
Councillor Peter Dew - City of York Council

Officers in attendance

Graham Addicott OBE - PATROL Advisory Board (Vice Chair)
George Broughton - PATROL Advisory Board
Paul Nicholls - PATROL Advisory Board
Caroline Sheppard OBE - Traffic Penalty Tribunal
Iain Worrall - Traffic Penalty Tribunal
Louise Hutchinson - PATROL
Andy Diamond - PATROL
Sarah Baxter - Cheshire East Council

Prior to the start of the meeting, the Chairman welcomed new Members from the City of York Council and Hertfordshire County Council to the Committee.

35 APOLOGIES FOR ABSENCE

Apologies were received from: -

Cllr Carol Thirkill – City of Bradford Council
Cllr John James – Carmarthenshire County Council (Assistant Chair Wales)
Cllr Eileen Lintill - Chichester Borough Council
Cllr Stuart Hughes – Devon County Council
Cllr Jeanette Stephenson - Durham County Council
Cllr Nigel Knapton – Hambleton District Council
Cllr Gary Robinson - Havant Borough Council
Cllr Mike Brookes - Lincolnshire County Council
Cllr Tony Page - Reading Borough Council
Cllr Richard Bell – Sunderland City Council
Cllr Amy Wilson – Sunderland City Council
Cllr Mark Thomas – City and County of Swansea Council
Cllr Warren Bray – Tameside Metropolitan Borough Council
Cllr Jeanette Clifford - West Berkshire Council

36 DECLARATION OF INTEREST

There were no declarations of interest.

37 MINUTES OF THE MEETING HELD ON 30 OCTOBER 2018

RESOLVED

That the minutes of the meeting held on 30 October 2018 be approved as a correct record.

38 CHAIR'S UPDATE

The Chairman reported that when the Sub Committee last met, the Chief Adjudicator drew attention to the inclusion of the Traffic Penalty Tribunal as an example of a fully operational online tribunal at the European Conference of Supreme European Judges in Tallinn last year. Today Caroline will feed back on the recent international conference she attended where TPT's transformation was hailed as an international exemplar for courts and tribunals.

Members were aware that following the success of PATROL's partnership with Parking World held at The Oval in Autumn 2017, PATROL was asked to be the event partner Traffic and Parking 2019. The Chairman made the suggestion that this event could be equally successful if it were held outside London and he was pleased to say that around 150 people came to Manchester, despite adverse weather, with 80 representatives from 65 local authorities. Councillor Stuart Hughes and the Chairman attended and the feedback on the day was very positive. A flavour of the conference would be provided today.

On the same day, Leeds City Council received approval from the government for its proposed Clean Air Charging Zone which would come into effect on 6th January 2020 with associated road user charging appeals being heard by the adjudicators of the Traffic Penalty Tribunal. Leeds was one of five early authorities mandated to improve air quality. Of the five, Birmingham were also going to introduce a charging zone whilst Derby, Nottingham and Southampton are not proposing to charge. A Clean Air Workshop is planned for authorities considering Clean Air Charging Zones in April.

At the last member workshop, Pavement Parking outside London was discussed and this was followed up with officer workshops in Manchester and London. The feedback from each workshop was unanimous that authorities wanted a range of tools to tackle this issue and that a blanket ban would pose significant challenges in many urban areas. There was a positive response to the Chief Adjudicator's suggestion of obstruction as a contravention. The Parking Policy Advisor at the Department for Transport attended the officer workshops. The government has concluded its evidence gathering phase and the Committee wait to hear next steps.

On a personal note Councillor J Macrae informed the Joint Committee that he would not be standing for re-election in May and therefore this meeting would be his last as Chairman. He felt it had been one of the most productive and satisfying Committees he had been involved in Local Government and what had been achieved over the last five years had really transformed the way Members on the Committee had taken forward their role. In addition, he felt significant financial savings to Local Government had been achieved and these savings were continuing. He stated that he was intending to write a letter to all Local Authority Members as a reflection on what contribution the Members of the Joint Committee had made. Further to this he reported that Councillor G Jones was also not standing again for re-election in May.

On behalf of Members, Councillor T Douris expressed thanks for the contribution Councillor J Macrae had made over the years as Chairman of the Joint Committee.

Caroline Sheppard OBE also expressed her thanks for the way Councillor J Macrae had been involved in the smooth transition of the transfer of host authority from Manchester to Cheshire East and how the Traffic Penalty Tribunal digital transformation and efficiencies had been supported by the vision and confidence of the Joint Committee.

39 CHIEF ADJUDICATOR'S UPDATE

The Chief Adjudicator gave a presentation to Members that she had given at a recent international conference she had attended.

RESOLVED

That the presentation be noted.

40 WALES UPDATE

The Director of PATROL reported that the Assistant Chair (Wales), Councillor James of Carmarthenshire County Council, had given his apologies for the meeting but reported the following developments in Wales:

The following Councils were in the process of applying for civil parking enforcement powers and their anticipated commencement dates were as follows: -

Blaenau Gwent County Borough: Council June 2019

Caerphilly County Borough Council: April 2019

Monmouthshire County Council: April 2019

Newport City Council: July 2019

Torfaen County Borough: Council July 2019

The Traffic Penalty Tribunal had arranged a workshop in Abergavenny in March 2019 to explain the online tribunal processes.

The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County of Carmarthenshire) Designation Order 2018 had been brought into force. Carmarthenshire County Council had not yet said when the Order was going to commence.

RESOLVED

That the update be noted.

41 BUDGET MONITORING 2018/19

The Director of PATROL introduced the report presenting the income, expenditure and reserves monitoring information for the year to 20 November 2018.

The Tribunal operated on a self-financing basis with income obtained from defraying expenses amongst the Joint Committee member authorities. The revenue budget estimate was established by the Joint Committee for 2018/19 on the basis that this would reflect the councils who were already

members of the Joint Committee. The Joint Committee forecasting model took account of recent income trends within the last 12 months.

Additional income was 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 was Highways England. Additional income arose from adjudication for the Mersey Gateway Crossing (the Charging Authority is Halton Borough Council who are not members of the Joint Committee).

The Joint Committee's income was derived from a pre-estimate of the number of penalty charge notices (PCNs) each council and Charging Authority would issue. Corrections were applied at the 6-month and 12-month points once the actual number of PCNs issued was known.

It was reported that if there was a need for greater expenditure than that provided for in the approved budget, then there was a recommendation to authorise the Director to incur additional expenditure, provided such expenditure did not exceed the income for the current year. Should it be the case that the revenue account falls into deficit then the surplus from previous years was available. Should there be greater income than expenditure in the year then there was a recommendation that this be transferred into the succeeding year as reserves.

The detailed monitoring position was shown on page 11 of the agenda. Eight months into the financial year, the overall surplus was £527,578 against a budget of £187,314 (favourable variance of £340,264). Of this, £143,313 was ring-fenced to Highways England and £152,467 to Halton Borough Council in respect of the Mersey Gateway Crossing. The PATROL surplus at 30th November was £231,798. The total reserves were forecast to be £3,521,239 at 30 November 2018, of which Free Reserves were forecast to be £1,864,550.

It was noted that in respect of paragraph 10.1 of the report the date in the table should refer to Surplus at 30.11.18 not 30.11.20. Following questions regarding the timing of expenditure, the Director advised that further detail would be presented in such reports in future.

A question was raised in relation to the policy in respect of the level of free reserves. The Director advised that consideration would be given to this at the Resources Working Group and Sub Committee at their next meeting with recommendations being presented to the annual meeting in July.

RESOLVED

That the income and expenditure and reserves at 30 November 2018 be noted.

42 RESERVES POLICY STATEMENT

Consideration was given to a report enabling the Sub-committee to review the Reserves Policy Statement for 2019/20, in order to comply with Financial Regulations.

The General Reserve aimed to mitigate the risk and to provide a buffer. It was recommended that the General reserve for 2019/20 be £1,403,378.

It was recommended that the Property Reserve for 20219/20 be £135,230. This compared with £296,575, in 2018/19 and £221,340 in 2017/18.

It was recommended that the Technology Reserve remain at the same level to enable further refinement of the digital appeal system and to prepare to receive road user charging appeals arising from penalties issues in charging clear air zones scheduled to commence early 2020. So for 2019/20 it was recommended that a reserve of £250,000 was retained.

It was recommended that the total PATROL approved reserve level for 2019/20 was £1,562,303, this after allowing for the proposed Reserve Allocation to BLASJC of £231,304.

In respect of paragraph 7.4 of the report it was felt it might be more helpful if the aim was to have six months of revenue set at 50% rather than 43%?

It was noted that the Reserves Policy Statement was reviewed by the Joint Committee at least once a year.

RESOLVED

1. That the Reserves Policy Statement for 2019/20 and the total approved reserve level for 2019/20 of £1,793,607 be approved. This equated to 54.8% of the overall budget.

The equivalent figure for 2018/19 (including the amount allocated to BLASJC) was £1,910,717 (61.3%) and for 2017/18 was £1,879,545 (54.1%).

2. That the balances of any surplus from 2018/19 being carried forward to 2019/20 be approved.

3. That the drawing down of the Technology Reserve to the Director to the value of £250,000 as required during 2019/20 on the basis that this expenditure will be reported to the Joint Committee's Resources Working Group and Sub Committee be approved.

4. That the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from general reserves to meet budgetary deficits be approved.

43 REVENUE BUDGET FOR 2019/20

Consideration was given to a report requesting the Committee to adopt the revenue budget estimates for 2019/20.

In accordance with the Joint Committee's agreement, it was necessary to establish a budget estimate for the forthcoming year. An assessment had been made of the likely service take up during 2019/20 and therefore, the Adjudicators, administrative support and accommodation needed. The adjudication service was operated on a self-financing basis with income obtained from contributions by PATROL member authorities.

A Table providing an income summary since 2010/11 to 2017/18 was included in the report.

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

An assessment had been made of the revenue budget that will be needed to meet the demands on the service during 2018/19. Appeals activity for the first eight months of 2018/19 had indicated that there had been an overall increase in appeals of 19%. The Director reported that, in preparing the budget for 2019/20, account had been taken of a number of objectives, details of which were set out at paragraph 8.3 of the report. A summary of anticipated expenditure in 2019/20 was also provided.

Clarification was sought on the table at 9.0 and it was confirmed that the income column for 2018/19 should read £3,396,230.

Members asked if car parking fees were the same for employees and if any alternatives to the car were offered.

In response it was confirmed that some staff did walk and cycle facilities were offered and some employees used the tram/train, however the Resources Committee could look at providing employees with an incentive if they used an alternative form of travel other than the car in order to get to work.

Members proposed that consideration be giving staff an increase on the existing 2% inflationary uplift in recognition of the tribunal's transformational success.

RESOLVED

That the revenue budget for 2019/20 as detailed in the report, be agreed and adopted.

44 DEFRAYING THE EXPENSES OF THE JOINT COMMITTEE 2019/20

Consideration was given to a report to establish the basis for defraying expenses during the 2019/20, in order to comply with Financial Regulations.

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

The Director referred to page 29 of the agenda, noting that the charges had continued to decrease, particularly since the year 2014/15 and stated that this reflected the efficiencies achieved, particularly since the introduction of FOAM. The per PCN charge had halved since the inception of the Joint Committee and the annual and per case charges withdrawn. This reduction was a result of economies of scale and efficiencies.

It was recommended that for 2019/20, the Joint Committee maintain the rate of 30 pence per PCN, agreed at its meeting in October 2018 and backdated to 1st April 2018. This had been reviewed at the October 2018 meeting in the light of actual income and expenditure information for the first half of the year was available. Further consideration of the PATROL charging arrangements would be scheduled for the October 2019 meeting.

RESOLVED

1. That it be agreed that for 2019/20, the Joint Committee maintains the rate of 30 pence per PCN agreed at its meeting in October 2018 and backdated to 1st April 2018, this to be reviewed at the October 2019 meeting in the light of actual income and expenditure information for the first half of the year was available.

2. That it be agreed that there would be no annual charge, nor cost per case.

3. That it be agreed that Invoicing would be undertaken on a quarterly basis on estimated figures and subsequently adjusted at the 6 month and 12 month points.

4. That the estimated impact (based on latest available estimates), by enforcement authority, of reducing the basis for defraying expenses in respect of parking penalties in 2018/19 from 35 to 30 pence (Appendix 1) be noted.

5. That it be noted the operation of a digital by design appeal platform had also brought about significant savings in officer time, printing and postage for member authorities as well as an intuitive appeal system for appellants and the Traffic Penalty Tribunal.

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

7. That the Resources Working Group and Sub Committee be requested to determine the arrangements for defraying expenses in 2019/20 in respect of appeals arising from penalties for failing to pay in any forthcoming charging clean air zones which come into force in the final quarter of 2019/20. The charging arrangements for such schemes for 2020/21 to be approved at the Joint Committee meeting in January 2020.

8. That it be noted that the decision to provide a transcription from the audio recording of proceedings rested with the Adjudicator. Where this had been agreed to, the Joint Committee agreed that the incidental costs of making a transcription from the audio recordings of the proceedings at a hearing was to be 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.

45 ADJUDICATOR APPOINTMENT RENEWAL

Consideration was given to a report in respect of the renewal of the appointment of Caroline Sheppard OBE as Adjudicator and Chief Adjudicator to 22 May 2020.

RESOLVED

1. That the renewal of the appointment of Caroline Sheppard OBE to 22nd May 2020 as:

Parking Adjudicator for England under the provisions of Regulation 17(1) and (5) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. By virtue of this appointment the adjudicators also have jurisdiction to determine appeals under Regulation 12 of the Road User Charging (Penalty Charges, Adjudication and Enforcement)

England Regulations 2013 and Regulation 18 of the Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018.

Traffic Adjudicator for Wales under Regulation 16 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013.

2.The renewal of Caroline Sheppard OBE as Chief Adjudicator to 22nd May 2020.

46 TRAFFIC PENALTY TRIBUNAL GENERAL PROGRESS REPORT

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

Appendix 1 of the report providing an overview of appeals activity for the period 1 April 2018 to 30 November 2018.

A summary of tribunal initiatives was set out in the report including progress on FOAM, Appeals summary from April until November 2018, hearings, case closure, assisted digital support, appellant feedback and Local Authority workshops conducted during the year.

RESOLVED

That the matters reported be noted.

47 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE

Consideration was given to a report on the PATROL and BLASJC Resources Working Group meeting held 8 January 2019.

The July 2018 meetings of the Joint Committees had resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives and report to the Joint Committees and their Executive Sub Committees. The last meeting had taken place on 8 January 2019, where a number of items had been considered, including Public Affairs, Financial Reports and Member workshops.

A number of comments were made in respect of the regulation of pavement parking and how the problem could be addressed.

RESOLVED

1.That the matters discussed at the meeting held 8 January 2019 be noted.

2. That the Resources Sub Committee and Working Group oversee matters highlighted in the report and appendix report back to the next meeting of the Joint Committee in July 2019.

48 ANNUAL INVESTMENT STRATEGY

Consideration was given to a report on investments during 2018/19, requesting the Joint Committee to approve the annual investment strategy for 2019/20.

RESOLVED

That the Annual Investment Strategy 2019/20 be approved.

49 APPOINTMENT OF AUDITORS 2019/2022

Consideration was given to a report in respect of the appointment of external auditors for the period 2018/19 to 2020/21.

From 1 April 2015, the implementation of the Local Audit and Accountability Act 2014 meant that joint committees were no longer be required to have their accounts separately prepared and audited. The Joint Committees decided to continue with this practice in the interests of transparency.

BDO LLP had provided the external audit function in accordance with the requirements of the Small Bodies Annual Return which was utilised for bodies with an annual turnover of less than £6.5 million.

The combination of internal audit and external audit provided assurance to the Joint Committee of the appropriateness of accountancy processes undertaken on their behalf.

External audit charges had remained relatively constant with the total cost of external audit for both PATROL and the Bus Lane Adjudication Service during 2017/18 being £3,800 (PATROL: £2,800 and BLASJC £1,000).

It was queried as to whether or not there was a policy in place for going out to market to see if best value for money was being obtained.

The Director suggested that at the next point of approval, the market could be tested.

RESOLVED

That BDO LLP be appointed as external auditors for the period covering 2018/19 to 2020/21 accounts.

50 RISK MANAGEMENT REPORT

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

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

RESOLVED

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

51 DATE OF NEXT MEETING

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

16 July 2019 Church House, Westminster followed by the PARC (Parking Annual Reports by Councils) Awards at the House of Commons.

It was noted that those Members not standing would be more than welcome to attend the Awards at the House of Commons.

The meeting commenced at 11am and concluded at 12.45pm

PATROL ADJUDICATION JOINT COMMITTEE**16th July 2019****Item 8: Wales Update****1. Civil Parking Enforcement**

The following councils have commenced undertaking civil parking enforcement.

Caerphilly County Borough Council: April 2019

Monmouthshire County Council: April 2019

Blaenau Gwent County Borough: Council June 2019

Newport City Council: July 2019

Torfaen County Borough Council July 2019

This means that all local authorities in Wales are now in the civil scheme.

The Traffic Penalty Tribunal held a workshop in Abergavenny in April to explain the adjudication processes and online appeal system, FOAM (Fast Online Appeals Management).

2. Moving Traffic Enforcement

The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County of Carmarthenshire) Designation Order 2018 has been brought into force.

Carmarthenshire County Council commenced enforcement in March 2019.

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

3. Clean Air Zones

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

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PATROL ADJUDICATION JOINT COMMITTEE

| | |
|-------------------------|---|
| Date of Meeting: | 16th July 2019 |
| Report of: | The Director in consultation with the Resources Working Group and Sub Committee |
| Subject/Title: | Draft Annual Return 2018/19 |

1.0 Report Summary

1.1 This report presents the draft annual return for the year 2018/19

2.0 Recommendations

That the Joint Committee:

- a) Notes the outturn position against the 2018/19 budget included within the report. (Appendix 1) – This is subject to external audit validation
- b) Approves the surplus of income over expenditure of £281,670 (which excludes £326,646 combined Highways England (Dartford-Thurrock River Crossing) and Halton Borough Council (Mersey Gateway Bridge Crossing surpluses) being added to the Joint Committee's reserves.
- c) Determines that the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2018.
- d) Approves the 2018/19 draft Annual Return (Appendix 2) and notes the balance sheet (Appendix 3) and cash flow (Appendix 4) and audit timetable.
- e) Notes the Annual Internal Audit Report 2018/19 (Appendix 5)
- f) Approves the revised Financial Regulations for 2018/19 (Appendix 6)
- g) Approves the revised Scheme of Financial Delegation (Appendix 7)
- h) Approves the Code of Corporate Governance (Appendix 8)

3.0 Reasons for Recommendations

3.1 To finalise accounts for 2018/19.

4.0 Financial Implications

4.1 As outlined in the report

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 None

7.0 Background and Options

7.1 From 1 April 2015, the implementation of the Local Audit and Accountability Act 2014 meant that joint committees are no longer be required to have their accounts separately prepared and audited. The Joint Committees decided to continue with this practice in the interests of transparency.

7.2 BDO LLP have provided the external audit function in accordance with the requirements of the Small Bodies Annual Return which is utilised for bodies with an annual turnover of less than £6.5 million.

7.3 The combination of internal audit and external audit provides assurance to the Joint Committee of the appropriateness of accountancy processes undertaken on their behalf.

8.0 Outturn Position against the 2018/19 budget

8.1 The Joint Committee is operated on a self-financing basis with income obtained by defraying expenses amongst member authorities and providing adjudication services to non-member authorities as determined by statute.

8.2 At the meeting of Executive Sub-Committee held on 30th January 2018 it was agreed to adopt the revenue budget estimates for 2018/19 set out in this report.

8.3 At the meeting of the Executive Sub-Committee held on 30th January 2018 the Lead Officer was given authorisation in consultation with the Chair, Vice Chair and Assistant Chair to incur expenditure against the revenue budget in excess of the £3,396,230 set by the Committee should the need arise, provided such expenditure is within the total income for the year.

8.4 The outturn position to 31st March 2019 is enclosed at Appendix 1.

8.5 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 and at the Mersey Gateway Bridge Crossing. The enforcement authorities are the Secretary of State for Transport, and Halton Borough Council respectively.

8.6 The Joint Committee's income is derived from a pre-estimate of the number of penalty charge notices (PCNs) each council will issue. Corrections are applied at the 6 month and 12 month points once the actual number of PCNs issued is known.

8.7 Should it be the case that there is a need for greater expenditure than that provided for in the approved budget, there is a recommendation to authorise the Director to incur additional expenditure, provided such expenditure does not exceed the income for the current year.

- 8.8 Should it be the case that the revenue account falls into deficit then the surplus from previous years is available.
- 8.9 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.

Expenditure

- 8.10 The General Progress report provides an overview of tribunal activity during 2018/19 and reports an increase in penalty charge notices appealed of 21%.
- 8.11 Overall expenditure was lower than budgeted by £255,649 (8.2%) (see Appendix 1).
- 8.12 Adjudicator costs were positive to budget for the year by £114,273. This reflects efficiencies facilitated through the online appeal system and some training expenditure not being incurred in the year in question.
- 8.13 Staffing costs show a positive variance to budget by £16,859 (1.7%). This was due in part to unspent salary, recruitment and training costs.
- 8.14 IT costs were adverse to budget by £14,600 (5.5%), this due to one off costs relating to the upgrade of the infrastructure.
- 8.15 The budget line Service Management and Support relates to the business services provided by Cheshire East Council, the host authority.
- 8.16 Supplies and Services costs show a positive variance of £119,335 (25.2%). This is primarily due to unused legal and consultancy costs.
- 8.17 Premises costs are underspent by £28,036 (12.9%). This is primarily due to budgeted refurbishment and office maintenance which was not required in the year.

Income

- 8.18 Overall, income was £71,382 (2.1%) positive to budget (see Table 1).

PATROL income was positive to budget by £78,422 (4.8%).

Income from Dartford River Crossing was positive to budget by £107,271 (13.6%), due to higher than forecast PCNs issued.

The recharge for bus lane adjudication service costs also shows a positive variance of £12,846 (2.7%).

Mersey Gateway income was lower than budgeted by £141,191 due to an agreed reduction in their charge per PCN.

Bank interest continues to out-perform budget forecast giving rise to a positive variance of £14,034 (156%).

Outturn

8.16 The outturn for 2018/19 was a surplus of £608,316.

Of this total surplus, £189,714 is ring-fenced to Highways England in respect of road user charging at the Dartford-Thurrock River Crossing, and £136,932 ring-fenced in respect of Halton Borough Council (Mersey Gateway Bridge Crossing).

8.17 The Joint Committee is asked to approve the surplus of income over expenditure of £281,670 (which excludes the ring-fenced amounts at 8.16 above) being added to the Joint Committee’s reserves.

9.0 Reviewing the basis for defraying expenses

9.1 The Joint Committee reviewed the basis for defraying expenses at the January 2019 meeting and agreed a charge of 30 pence per PCN. The recommendation of the Resources Working Group and Sub Committee is to review this at the October 2019 meeting of the Executive Sub Committee taking into account the half-year figures for 2019/20.

10.0 External Audit

10.1 The external audit timetable is as follows:

| Stage | Date |
|---|-------------------------------|
| Draft annual return submitted to PATROLAJC for approval | 16 th July 2019 |
| Submission of Annual Return and Supporting Documents to BDO | 31 st July 2019 |
| External Audit Opinion reported to Joint Committee | 29 th October 2019 |

11.0 Internal Audit Report 2018/19

11.1 Internal audit is provided by the Host Authority. The internal audit report for 2018/19 is enclosed at Appendix 5

| | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 |
|-------|---------|---------|---------|---------|-------------|
| Low | 11 | 6 | 3 | 0 | None |
| Med | 12 | 11 | 7 | 1 | None |
| High | 2 | 2 | 1 | 0 | None |
| TOTAL | 25 | 19 | 11 | 1 | None |

11.2 The level of assurance is confirmed as ‘**Good**’ which is the highest level of assurance.

There are **no** audit recommendations.

12.0 Financial Regulations

This has been updated (sections 7.7 and 15.1) to allow for the establishment of a Petty Cash system and introduction of a contracts register (Appendix 6).

13.0 Scheme of Financial Delegation 2019/20

This has been updated (2.iii, 5.i and 12) to allow for one additional bank signatory, and the establishment of a Petty Cash system and responsibilities for data security (Appendix 7).

14.0 Code of Corporate Governance

A copy of the Code of Corporate Governance is enclosed at Appendix 8.

15.0 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 – Outturn:

| | Year to Date | | | | Full Year | | | |
|--|------------------|------------------|----------------|---------------|------------------|------------------|----------------|-------------------|
| | 31/03/2019 | 31/03/2019 | 31/03/2019 | 31/03/2019 | 2018/19 | 2018/19 | 2018/19 | 2017/18 |
| | Year to Date | Budget | Var to Budget | Var to Budget | Forecast Outturn | Full Year Budget | Var to Budget | Prior Year Result |
| Income: | | | | | | | | |
| PATROL * | 1,719,922 | 1,641,500 | 78,422 | 4.8% | 1,719,922 | 1,641,500 | 78,422 | 1,744,815 |
| RUCA (Dartcharge) - Highways England | 898,271 | 791,000 | 107,271 | 13.6% | 898,271 | 791,000 | 107,271 | 915,417 |
| RUCA (Mersey Gateway) - Halton Borough Council | 340,609 | 481,800 | (141,191) | -29.3% | 340,609 | 481,800 | (141,191) | 209,141 |
| Recharge for Bus Lane Adjudication Costs | 485,776 | 472,930 | 12,846 | 2.7% | 485,776 | 472,930 | 12,846 | 426,443 |
| Bank Interest | 23,034 | 9,000 | 14,034 | 155.9% | 23,034 | 9,000 | 14,034 | 12,023 |
| Contribution (to) / from Reserves | 0 | 0 | 0 | 0.0% | 0 | 0 | 0 | 0 |
| Total Income | 3,467,612 | 3,396,230 | 71,382 | 2.1% | 3,467,612 | 3,396,230 | 71,382 | 3,307,838 |
| Expenditure: | | | | | | | | |
| Adjudicators | 891,547 | 1,005,819 | 114,273 | 11.4% | 891,547 | 1,005,819 | 114,273 | 911,826 |
| Staff | 1,000,730 | 1,017,588 | 16,859 | 1.7% | 1,000,730 | 1,017,588 | 16,859 | 995,882 |
| Premises / Accommodation | 188,946 | 216,982 | 28,036 | 12.9% | 188,946 | 216,982 | 28,036 | 174,528 |
| Transport | 88,845 | 79,440 | (9,405) | -11.8% | 88,845 | 79,440 | (9,405) | 81,685 |
| Supplies and Services | 355,057 | 474,392 | 119,335 | 25.2% | 355,057 | 474,392 | 119,335 | 350,219 |
| IT | 281,223 | 266,624 | (14,600) | -5.5% | 281,223 | 266,624 | (14,600) | 284,621 |
| Services Management and Support | 50,100 | 50,000 | (100) | -0.2% | 50,100 | 50,000 | (100) | 48,902 |
| Audit Fees | 2,850 | 4,100 | 1,250 | 30.5% | 2,850 | 4,100 | 1,250 | 4,750 |
| Contingency | 0 | 0 | 0 | 0.0% | 0 | 0 | 0 | 0 |
| Total Expenditure | 2,859,297 | 3,114,945 | 255,649 | 8.2% | 2,859,297 | 3,114,945 | 255,649 | 2,852,412 |
| Surplus / (Deficit) | 608,316 | 281,285 | 327,031 | | 608,316 | 281,285 | 327,031 | 455,426 |
| | 0 | -1 | | | | | | |
| Breakdown of Surplus | 608,316 | 281,285 | | | 608,316 | 281,285 | | 455,426 |
| PATROL | 281,670 | 57,218 | | | 281,670 | 57,218 | | 203,074 |
| Halton Borough Council | 136,932 | 195,335 | | | 136,932 | 195,335 | | 61,452 |
| Highways England | 189,714 | 28,733 | | | 189,714 | 28,733 | | 190,900 |

* PATROL = Parking England and Wales, and Bus Lanes and Moving Traffic Wales

Appendix 2: DRAFT Annual Return

PATROL 31.03.19

| | | BDO Return | | |
|-----------|--|--------------------|--------------------|--------------------|
| | | 31st March 2017 | 31st March 2018 | 31st March 2019 |
| 1 | Balances Brought forward | 3,497,252 | 3,182,460 | 3,442,141 |
| 2 | (+) Income from local taxation and/or levy | 0 | 0 | 0 |
| 3 | (+) Total other receipts | 3,537,576 | 3,307,838 | 3,467,612 |
| 4 | (-) Staff costs | 2,081,136 | 1,906,766 | 1,932,773 |
| 5 | (-) Loan interest/capital repayments | 0 | 0 | 0 |
| 6 | (-) All other payments | 1,771,231 | 1,141,391 | 1,681,568 |
| 7 | (=) Balances carried forward | 3,182,460 | 3,442,141 | 3,295,412 |
| 8 | Total cash and short term investments | 3,285,149 | 3,490,169 | 3,182,671 |
| 9 | Total fixed assets and long term assets | 0 | 0 | 0 |
| 10 | Total borrowings | 0 | 0 | 0 |

Note: subject to audit validation

Appendix 3:

BALANCE SHEET - PATROL

| | Apr-18 p1 | May-18 p2 | Jun-18 p3 | Jul-18 p4 | Aug-18 p5 | Sep-18 p6 | Oct-18 p7 | Nov-18 p8 | Dec-18 p9 | Jan-19 p10 | Feb-19 p11 | Mar-19 p12 |
|--------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Current Assets | | | | | | | | | | | | |
| LA Debtors | 446,976 | 124,348 | 69,513 | 553,938 | 282,678 | 284,657 | 482,539 | 283,389 | 151,964 | 655,067 | 168,730 | 112,679 |
| Other Debtors | 116,323 | 100,532 | 117,719 | 58,178 | 59,007 | 76,759 | 6,767 | 107,327 | 122,240 | 54,350 | 68,736 | 133,367 |
| VAT | | | | | | | | | | | | |
| Cash and Bank | 3,350,270 | 3,419,174 | 3,293,735 | 3,155,034 | 3,271,281 | 3,185,948 | 3,332,302 | 3,343,757 | 3,303,775 | 3,336,650 | 3,490,144 | 3,179,213 |
| Total | 3,913,570 | 3,644,055 | 3,480,968 | 3,767,150 | 3,612,966 | 3,547,365 | 3,821,608 | 3,734,472.40 | 3,577,978.97 | 4,046,067.50 | 3,727,610.21 | 3,425,258.06 |
| Current Liabilities | | | | | | | | | | | | |
| Trade Creditors | 65,694 | 927 | 130,744 | 176,770 | 103,259 | 19,661 | 193,369 | 204,926 | 105,372 | 277,467 | 206,589 | 62,286 |
| Other Public Bodies | | | | | | | | | | | | |
| Other Creditors | 341,899 | 206,023 | -67,534 | 178,969 | 115,823 | -14,823 | 50,557 | 67,485 | 35,579 | 260,560 | 160,131 | 67,560 |
| Total | 407,593 | 206,950 | 63,211 | 355,739 | 219,082 | 4,839 | 243,926 | 272,410.79 | 140,950.79 | 538,026.76 | 366,719.42 | 129,845.13 |
| Net Current Liabilities | 3,505,976 | 3,437,104 | 3,417,757 | 3,411,410 | 3,393,884 | 3,542,526 | 3,577,682 | 3,462,061.61 | 3,437,028.18 | 3,508,040.74 | 3,360,890.79 | 3,295,412.93 |
| Long Term (Liabilities)/Assets | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| NET ASSETS | 3,505,976 | 3,437,104 | 3,417,757 | 3,411,410 | 3,393,884 | 3,542,526 | 3,577,682 | 3,462,061.61 | 3,437,028.18 | 3,508,040.74 | 3,360,890.79 | 3,295,412.93 |
| Financed By: | | | | | | | | | | | | |
| Pension Reserve | | | | | | | | | | | | |
| Reserves BF | 3,442,141 | 3,442,141 | 3,442,141 | 3,442,141 | 3,442,141 | 3,442,141 | 3,442,141 | 3,442,141 | 3,442,141 | 3,442,141 | 3,442,141 | 3,442,141 |
| Reserves drawdown | -17,175 | -177,168 | -281,997 | -333,022 | -406,971 | -429,181 | -448,481 | -507,657 | -526,957 | -546,257 | -192,517 | -755,043 |
| Current Year Surplus | 81,011 | 172,131 | 257,614 | 302,291 | 358,714 | 529,566 | 584,021 | 527,578 | 521,845 | 612,157 | 660,887 | 608,316 |
| TOTAL NET WORTH | 3,505,976 | 3,437,104 | 3,417,757 | 3,411,410 | 3,393,884 | 3,542,526 | 3,577,681 | 3,462,061 | 3,437,028 | 3,508,040 | 3,360,890 | 3,295,413 |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Appendix 4:

CASH FLOW - PATROL

| | Apr-18 p1 | May-18 p2 | Jun-18 p3 | Jul-18 p4 | Aug-18 p5 | Sep-18 p6 | Oct-18 p7 | Nov-18 p8 | Dec-18 p9 | Jan-19 p10 | Feb-19 p11 | Mar-19 p12 |
|--|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Opening Cash Balance | 3,486,445 | 3,350,270 | 3,419,174 | 3,293,735 | 3,155,034 | 3,271,281 | 3,185,948 | 3,332,302 | 3,343,757 | 3,303,775 | 3,336,650 | 3,490,144 |
| Decrease / (Increase) in LA Debtors | -324,237 | 322,628 | 54,835 | -484,424 | 271,260 | -1,979 | -197,882 | 199,150 | 131,425 | -503,104 | 486,337 | 56,052 |
| Decrease / (Increase) in Other Debtors | 21,668 | 15,792 | -17,188 | 59,541 | -829 | -17,753 | 69,993 | -100,560 | -14,914 | 67,890 | -14,386 | -64,631 |
| Decrease / (Increase) in VAT Debtor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Increase / (Decrease) in Trade Creditors | -97,031 | -64,766 | 129,817 | 46,026 | -73,511 | -83,597 | 173,708 | 11,556 | -99,554 | 172,095 | -70,878 | -144,303 |
| Increase / (Decrease) in other Public Body Creditors | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Increase / (Decrease) in Other Creditors | 199,589 | -135,876 | -273,557 | 246,503 | -63,146 | -130,646 | 65,379 | 16,928 | -31,906 | 224,981 | -100,429 | -92,571 |
| Movement on Reserves | 63,835 | -68,872 | -19,347 | -6,347 | -17,526 | 148,642 | 35,156 | -115,620 | -25,033 | 71,013 | -147,150 | -65,477 |
| Closing Cash Balance | 3,350,270 | 3,419,174 | 3,293,735 | 3,155,034 | 3,271,281 | 3,185,948 | 3,332,302 | 3,343,757 | 3,303,775 | 3,336,650 | 3,490,144 | 3,179,213 |
| | -1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL CASH: PARKING & BUS | 3,830,212 | 3,879,774 | 3,793,869 | 3,611,838 | 3,767,144 | 3,681,949 | 3,885,553 | 3,914,571 | 3,891,016 | 3,904,055 | 4,167,715 | 3,851,382 |

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Joint Committees

Return for the financial year ended 31 March 2019

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

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

Completing your return

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

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

Send the return, together with your bank reconciliation as at 31 March 2019, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to us, BDO LLP, by the due date.

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

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

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

Section 1 – Governance statement 2018/19

We acknowledge as the members of

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE

Our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2019, that:

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

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

MINUTE REFERENCE

Date DD/MM/YYYY

Signed by:

Chair SIGNATURE REQUIRED

Signed by:

Clerk SIGNATURE REQUIRED

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

Section 2 – Accounting Statements 2018/19 for

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE

| | Year ending | | Notes and guidance Please round all figures to nearest £1. Do not leave any boxes blank and reports £0 or Nil balances. All figures must agree to underlying financial records. |
|--|--------------------|--------------------|---|
| | 31 March 2018 £ | 31 March 2019 £ | |
| 1 Balances brought forward | 3,182,460 | 3,442,141 | Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year. |
| 2 (+) Income from local taxation and/or levy | - | - | Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body. Excluding any grants received. |
| 3 (+) Total other receipts | 3,307,838 | 3,467,612 | Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here. |
| 4 (-) Staff costs | 1,906,766 | 1,932,773 | Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses. |
| 5 (-) Loan Interest/capital repayments | | | Total expenditure or payments of capital and Interest made during the year on the body's borrowings (if any). |
| 6 (-) All other payments | 1,141,392 | 1,681,568 | Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan Interest/capital repayments (line 5). |
| 7 (=) Balances carried forward | 3,442,141 | 3,295,412 | Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6) |
| 8 Total cash and short term investments | 3,490,169 | 3,182,671 | The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation. |
| 9 Total fixed assets plus other long term investments and assets | | | The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March |
| 10 Total borrowings | | | The outstanding capital balance as at 31 March of all loans from third parties (including PWLB) |

I certify that for the year ended 31 March 2019 the accounting statements in the return present fairly the financial position of the Joint Committee and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

SIGNATURE REQUIRED

Date

26/06/2019

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

DD/MM/YYYY

and recorded as minute reference:

MINUTE REFERENCE

Signed by Chair of meeting approving these accounting statements:

SIGNATURE REQUIRED

Section 3 – External Report 2018/19 Certificate

We present the findings from our review of the return for the year ended 31 March 2019 in respect of:

Enter name of reporting body here:

ENTER JOINT COMMITTEE NAME

Respective responsibilities of the Joint Committee and the reviewer

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

- summarises the accounting records for the year ended 31 March 2019; and
- confirms and provides assurance on various governance matters in accordance with generally accepted good practice

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

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

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

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

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

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

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

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

Reviewer signature

Section 4 – Annual internal audit report 2018/19 to

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON & ADJUTATION JOINT COMMITTEE

The Joint Committee’s internal audit service provider, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2019.

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

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

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

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

* SEE INTERNAL AUDIT REPORT - APPENDIX A FOR MORE DETAILS

Name of person who carried out the internal audit:

JOSIE GRIFFITHS

Signature of person who carried out the internal audit:

SIGNATURE REQUIRED

Date: 26/6/19

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

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

Guidance notes on completing the 2018/2019 return

1. Make sure that your return is complete (i.e. no empty red boxes), and is properly signed and dated. Avoid making any amendments to the completed return. But, if this is unavoidable, make sure the amendments are drawn to the attention of and approved by the body, properly initialled and an explanation provided to us. Returns containing unapproved or unexplained amendments will be returned and may incur additional costs.
2. Use the checklist provided below. Use a second pair of eyes, perhaps a member of the committee or the Chair, to review your return for completeness before sending it to us.
3. Do not send us any information not specifically asked for. Doing so is not helpful. However, you must notify us of any change of Clerk, Responsible Financial Officer or Chair.
4. Make sure that the copy of the bank reconciliation or letter confirming the balance held on your behalf which you send with the return covers all your bank balances. If the joint committee holds any short-term investments, note their value on the bank reconciliation. We must be able to agree your bank reconciliation to Box 8 on the Accounting statements. You must provide an explanation for any difference between Box 7 and Box 8.
5. Explain fully significant variances in the accounting statements on page 3. Do not just send in a copy of your detailed accounting records instead of this explanation. We want to know that you understand the reasons for all variances. Include a complete analysis to support your explanation.
6. If we have to review unsolicited information, or receive an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which we will make a charge.
7. Make sure that your accounting statements add up the balance carried forward from the previous year (Box 7 of 2018) equals the balance brought forward in the current year (Box 1 of 2019).
8. Do not complete section 3. We will complete it at the conclusion of our work.

| Completion checklist – 'No' answers mean you may not have met requirements | | Done? |
|--|---|-------|
| All sections | All red boxed have been completed? | ✓ |
| | All information has been sent with this return? | ✓ |
| Section 1 | For any statement to which the response is 'no', an explanation is provided? | ✓ |
| Section 2 | Approval by the body confirmed by the signature of Chair of meeting approving the accounting standards? | ✓ |
| | An explanation of significant variations from last year to this year is provided? | ✓ |
| | Bank reconciliation as at 31 March 2019 agrees to Box 8? | ✓ |
| | An explanation of any difference between Box 7 and Box 8 is provided? | ✓ |
| Section 4 | All red boxed completed by internal audit and explanations provided? | ✓ |

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Appendix 5

**Internal Audit – Assurance Report
PATROL (Parking and Traffic Regulations Outside
London) 2018/19**

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Internal Audit – Assurance Report PATROL (Parking and Traffic Regulations Outside London) 2018/19

Report Status: Final
Report Date: 24th June 2019
Prepared by: Lucy Nelson

Distribution List and Version Control

Draft reports should not be shared with anyone outside of the distribution list below without prior approval from the Audit Manager.

Distribution List – Draft Report:

- Louise Hutchinson – PATROL, Director
- Erica Maslen – PATROL, Central Services Manager

Final reports should not be shared with anyone outside of the distribution list without prior approval from the Audit Manager and Final Report Owner.

Distribution List – Final Report:

- Louise Hutchinson – PATROL, Director
- Erica Maslen – PATROL, Central Services Manager

Final Report Owner:

- Louise Hutchinson – PATROL, Director

Version Control

| Version Number | Date | Changes |
|----------------|----------|---|
| 1.0 | 30.05.19 | Draft report prepared |
| 1.1 | 06.06.19 | Draft report reviewed and approved for issue (JG) |
| 2.0 | 24.06.19 | Final Report agreed |
| 2.1 | 25.06.19 | Addition of Appendix A |

| | |
|--------------------------|-------------|
| Galileo Reference | EXT001.0003 |
|--------------------------|-------------|

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Executive Summary

1. Background

1.1 PATROL (Parking and Traffic Regulations Outside London) has been established to enable Councils undertaking civil parking enforcement in England and Wales and civil bus lane and moving traffic enforcement in Wales to exercise their functions under:

- Section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
- Section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
- Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).
- Regulation 18 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

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

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

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

1.5 Under the above legislation and regulations, Councils operating civil traffic enforcement functions are responsible for funding the provision of adjudication. The Councils carry out this function through a Joint Committee. The PATROL and Bus Lanes Adjudication Joint Committees perform this function in accordance with legislation, regulations and the PATROL and Bus Lane Adjudication Service Joint Committee Agreements. The constituent authorities of each Joint Committee defray expenses in such a proportion as the Joint Committees decide.

Executive Summary

- 1.6 The Traffic Penalty Tribunal also provides adjudication in respect of penalties issued for failure to pay the road user charge at the Dartford-Thurrock River Crossing and the Mersey Gateway Bridge. The Enforcement Authorities are the Secretary of State for Transport and Halton Borough Council respectively. PATROL has entered into a Memorandum of Understanding with each of these Enforcement Authorities as they are not members of the PATROL Joint Committee.
- 1.7 PATROL is classed as a small relevant body in accordance with the Accounts and Audit Regulations 2015, and prior to 2015/16 had to complete a Small Bodies Annual Return (SBAR) summarising their annual activities at the end of each financial year. This requirement was removed for 2015/16 by the Accounts and Audit Regulations 2015; however, the Body has decided to still complete the SBAR on an annual basis as good practice and in the spirit of openness and transparency.
- 1.8 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.

- 1.9 Where reference is made to policies and procedures within this report, these are PATROL's, not Cheshire East Council's unless specified otherwise.

2. Scope of Review and Risks Covered

- 2.1. In order to complete Section 4 of the 2018/19 SBAR, we had to determine whether the ten stated internal control objectives have been achieved throughout the 2018/19 financial year to a standard adequate to meet the needs of the Body. The control objectives are:
- A. Appropriate accounting records have been kept properly throughout the year
 - B. The body's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT appropriately accounted for
 - C. The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage this
 - D. The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate
 - E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for

Executive Summary

- F. Petty cash payments were properly supported by receipts, expenditure was approved and VAT appropriately accounted for
- G. Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied
- H. Asset and investment registers were complete and accurate and properly maintained
- I. Periodic and year-end bank account reconciliations were properly carried out
- J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and where appropriate, debtors and creditors properly recorded
- 2.2. In order to satisfy the above control objectives, we carried out a programme of audit testing on the following areas:
- Assets
 - Banking and Cheques
 - Budgetary Control
 - Income
 - Payroll
 - Procurement
 - Purchase Cards
 - Risk Management
- 2.3. PATROL did not operate a petty cash/imprest system during 2018/19 (Control F on the SBAR). However, they do have a number of purchase cards linked to their bank account. As such, and as per the testing carried out in previous years, a review of processes and controls in operation in relation to the cards was undertaken.
- 2.4. The separate Joint Committees for PATROL Adjudication Service and Bus Lanes Adjudication Service share the same systems and processes. Therefore, where appropriate, audit work focussed on PATROL and assurance can be drawn from this for Bus Lanes.
- 2.5. Where sample testing was undertaken, sampling was proportionate to the volume of transactions in relation to the PATROL, Bus Lanes, RUCA and littering. Furthermore, the samples selected included transactions completed throughout the whole of 2018/19 in order to ensure that the findings are as comprehensive and reliable as possible and also capture an accurate reflection of the practices in place. Although reasonable assurance can be drawn from these findings it is never possible to give complete assurance that all issues have been uncovered, as we are unable to test every transaction.

Executive Summary

2.6. We have previously issued a draft report to present any key findings and to confirm its factual accuracy. This report has been agreed and is now issued in final.

3. Key Findings and Recommended Actions

3.1. A total of 77 controls have been tested covering all areas detailed in the control objectives on the SBAR. This draft report is intended to highlight the areas where improvements are required, either in the control itself or to improve compliance with the controls.

3.2. As a result of the testing, no issues were identified during the review and as such, no recommended actions have been raised in this report.

4. Conclusion and Opinion

4.1. The audit concluded that the 10 control objectives detailed on the 2018/19 SBAR are effectively managed for both the PATROL and Bus Lane Adjudication Joint Committees. **Appendix A** confirms the results of the audit work as it will be entered on the SBAR.

4.2. The steps taken to address compliance with the controls the Body has established in its processes and procedures are operating satisfactorily.

4.3. Internal Audit use a formal opinion system, details of which are given in **Appendix B**. Based upon the findings and actions raised, a "Good Assurance" opinion has been given.

Good Assurance

Controls are in place to mitigate against the risks identified in the Terms of Reference. Testing has shown that controls are working effectively and consistently to ensure that key risks are well managed.

Appendix A – Summary of Audit Results for the 2018/19 Small Bodies Annual Return

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

* PATROL did not operate a petty cash/imprest system during 2018/19 due to the use of purchase cards; therefore, a review the processes and controls in operation in relation to the cards was undertaken.

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Appendix B – Audit Opinion and Priority Rating for Individual Findings

Audit Opinion

An overall opinion on the control environment will be given on completion of the audit work. This opinion relates **only** to those risks identified or systems tested. Where the audit opinion given is either limited or no assurance, consideration will be given to including those areas in the Annual Governance Statement.

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

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

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

Appendix B – Audit Opinion and Priority Rating for Individual Findings

Priority Rating for Individual Findings

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

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

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Appendix 6

**PATROL ADJUDICATION & BUS LANE ADJUDICATION SERVICE
JOINT COMMITTEE**

FINANCIAL REGULATIONS

2019/20

1. General

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

1.8 Whenever any matter arises which may involve financial irregularity, the Director shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Director and after consultation with the Joint

1.9 Committee's Treasurer (the Lead Authority's S151 Officer), be referred by them to the Joint Committee. The Director and the Joint Committee Treasurer will determine whether the matter should be referred to Internal Audit. Further in a case where the Director advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

2. Accounting Arrangements

2.1 The Statement of Responsibilities for the Statement of Accounts sets out the role of the Director and the Treasurer.

2.2 The Treasurer to the Joint Committee is the responsible Financial Officer for the purposes of the Annual Return.

2.3 The Director shall ensure that appropriate financial arrangements and procedures are in place on behalf of the Joint Committee in order that the Treasurer can be provided with the necessary accounting records.

2.4 The Director will make arrangements for the preparation and audit of annual accounts.

2.5 The Director will publish and make available a final accounts/audit timetable to member authorities following the annual meeting of the Joint Committee.

2.6 The Director, where applicable, shall be responsible for the submission of all claims for grant to Government Departments, or to the EU.

3. Banking Arrangements, Cheques and Purchase Cards

3.1 All arrangements with the Joint Committee's bankers, including the procedures for the ordering and safe custody of cheques and purchase cards, shall be made under arrangements approved by the Director.

3.2 All cheques drawn on behalf of the Joint Committee shall be signed by two named signatories on the bank mandate. Electronic payments require approval from two individuals, who must have been granted access to the online banking system by the online bank administrator (Finance & Central Services Manager).

- 3.3 There is to be a clear segregation of responsibility between the preparation of payments and the authorisation of payments.
- 3.4 Purchase card limits will be as set out within the Scheme of Financial Delegation.
- 3.5 All Card Holders will sign a Credit Card Undertaking form. The Credit Card Undertaking form sets out agreed procedures including storage, authorised users and record keeping requirements.
- 3.6 Only the Finance & Central Services Manager will be permitted to withdraw cash against their card and this will be authorised in advance by the Director.
- 3.7 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 & Central Services Manager.
- 3.8 The Director will sign a summary sheet to ensure that bank reconciliations are completed in accordance with the financial regulations.

4. Revenue and Capital Budgets

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

notified by the Director at the earliest opportunity following consultation with the Chair of the Advisory Board.

5. Income

- 5.1 The collection of all money due to the Joint Committee shall be under the supervision of the Director.
- 5.2 All money received shall be without delay passed for payment to the Joint Committee's bank account.
- 5.3 The Director shall be furnished with information to ensure the prompt rendering of accounts for the collection of income.
- 5.4 Following year-end, where invoicing is based on estimates, the Director shall request a self-certification of penalty charge notices issued by authorities.
- 5.5 Any Debt unpaid after 90 days of issue will be provided for in the accounts as soon as it becomes 90 days old.
- 5.6 The Director shall report all bad debts to the Joint Committee for these to be written off in accordance with the approved Bad Debt Policy. This report will include the cause of the bad debt and the recovering measures taken in accordance with the Debt Recovery Procedure.
- 5.7 Through regular budget monitoring reports, the Director will apprise the Joint Committee of variations in achieved income in order that the Joint Committee can take appropriate actions in a timely manner.

6. Borrowing and Investments

- 6.1 The Joint Committee approves on an annual basis an Annual Investment Strategy prepared in consultation with the Treasurer. Where applicable, this will take into account any Joint Committee policies in relation to reserves.

7. Orders and Contracts

- 7.1 The Scheme of Delegation to the Director and the Scheme of Financial Delegation include the required procedures, record keeping and procurement thresholds.

- 7.2 In evaluating quotations or tenders, the aim will be to achieve the most economically advantageous outcome, taking into account quality, cost and delivery experience. Such decisions will be documented. Where the lowest price option is not chosen, the Director must approve prior to goods/services being commissioned.
- 7.3 Only budget holders and staff who have received training in accordance with the Scheme of Financial Delegation may order goods or services.
- 7.4 The Director will ensure that staff involved in procurement are aware of financial thresholds and the need for aggregation with single suppliers in respect of purchasing thresholds. Market testing on rolling contracts over £2,000 will be undertaken on a three-year cycle.
- 7.5 The Director is required to obtain approval from the Joint Committee in respect of the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract.
- 7.6 The Director has the authority to waive these rules (excluding those falling within the EU threshold) where the interests of the Joint Committee would be best served. Such circumstances would include where there is only one contractor that is able to provide goods and services or where the need for such goods and services was urgent and the above procedure would be detrimental to the Joint Committee. Forward planning and market testing will be deployed to ensure that cases of waiver are minimised. The Director shall maintain a record of such decisions and report to the Joint Committee at the earliest opportunity.
- 7.7 **A Contracts Register will be kept of all ongoing contracts.**

8. VAT

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

9. Reserves

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

10. Equipment

- 10.1 The Director will ensure that all staff are aware of their responsibility for the security and proper recording of equipment under their control including their personal responsibility with regard to the protection and confidentiality of information whether held in manual or computerised records in accordance with the Information Security Policy.
- 10.2 All equipment over £1,000 in value must be recorded in the Equipment Inventory in accordance with the Asset Management Policy.
- 10.3 All IT equipment and communications devices will be recorded in an IT register where the purchase value is greater than £100.
- 10.4 This will be physically verified annually by the Finance and Central Services Manager.

11. Insurance

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

12. Risk

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

13. Internal Audit

- 13.1 The Joint Committee shall review the internal audit strategy.
- 13.2 The Director will arrange for the internal audit of accounts and internal assurance framework of the Joint Committee. Internal audit is currently undertaken by the Lead Authority's Internal Audit Department.
- 13.3 The Director will ensure that Internal Auditors have right of access to such records and explanations as they require to complete the work undertaken.

13.4 Audit Reports will be presented to the Joint Committee.

14. External Audit

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

14.2 The Director will make such arrangements as are necessary to facilitate this audit.

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

14.4 Audit Reports will be presented to the Joint Committee.

15. Petty Cash

15.1 The Director shall make such arrangements as he/she considers necessary for defraying petty cash and other expenses by means of an imprest system in accordance with a procedure to be agreed with the Treasurer. The Petty Cash shall be secured in the safe overnight, limited to a balance of £50 and reconciled each month independently.

16. Expenses

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

17. Gifts and Hospitality Register

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

18. Declaration of Interest

18.1 All staff with financial responsibilities will be advised of their obligation to declare any interest on an annual basis. Members and Officers at each meeting will be provided with the opportunity to declare a pecuniary or non-pecuniary interest, where interests arise, individuals will be asked to complete the Declaration of Interest Form in addition to the interest being minuted.

19. Anti-fraud, anti-corruption and whistleblowing

19.1 Compliance with these financial regulations is supported by policies and procedures in respect of anti-fraud, anti-corruption and whistleblowing. Where

staff has concerns in this respect, they should approach their Line Manager, the Director or if they wish to speak to someone external to the organisation, they can contact Public Concern at Work which operates a confidential helpline 02074046609. Further advice and guidance can also be found on their website www.pcaw.co.uk. The Director will ensure that staff are aware of the relevant internal and external contact points in these circumstances.

20. Document Retention

- 20.1 All financial documents will be retained for a period of six years in addition to the current year.

21. Review and approvals

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

Appendix 7



PATROL and Bus Lane Adjudication Service Scheme of Financial Delegation

Contact Details: Louise Hutchinson
Version / Date: July 2019

Introduction

This Scheme of Delegation should be read in conjunction with the current PATROL and Bus Lane Adjudication Service Joint Committee's Financial Regulations and the Scheme of Delegation to the Director

1 Budget Management

i) In year budget management

The table below sets out which managers have been delegated the task of managing capital and revenue budgets.

| Manager | Budget area | Name |
|--------------------------------|--|-------------------|
| Deputy Chief Adjudicator | Adjudicator fees and expenses | Stephen Knapp |
| Central Services Manager | Central Services functions including departmental staffing, premises, staff recruitment, training and Human Resources | Erica Maslen |
| Stakeholder Engagement Manager | Stakeholder departmental staffing and associated engagement expenditure IT departmental staffing, technology provision and development (software, hardware and infrastructure) | Iain Worrall |
| Director | Senior salaries, Case Management staffing budget Joint Committee initiatives, expenditure from approved reserves, consultancy and legal advice. PR, Communications and other expenditure not falling within the above delegations. | Louise Hutchinson |

ii) Changing the Service budget in year

| Manager | Budget Area | Approval Limit |
|----------------|--------------------|-----------------------|
| Director | All | £25,000 |

iii) Planning future years budgets

| | |
|-----------------|---|
| Responsibility: | Director and Central Services Manager in conjunction with budget managers set out above |
|-----------------|---|

2 Authorisations

i) Procurement – Purchasing Goods and Services, Contracts & Tenders, Requisitions and Orders

The following limits apply to the approval of submission of tenders; acceptance of tenders; post contract negotiations; agreeing variations and lease, hire or rental agreements.

| | |
|------------------------------------|---|
| Up to £2,000 | a written quotation submitted by the requisitioner and authorised by the Budget Manager |
| Between £2,000 and £30,000 | three written quotations submitted against an outline specification by the Budget Manager |
| £30,000 to £172,514 (EU threshold) | formal tender process to at least three candidates authorised by the Director |
| EU threshold to £250,000 | follow EU tender rules initiated by the Director |

The primary budget holders may have authorised approvers within their teams who can approve up to £500 expenditure without budget holder approval on agreed budget areas.

| Role / Position of approver | Department / Manager |
|------------------------------------|-----------------------------------|
| Business Manager | Central Services Manager |
| Technology Manager | Stakeholder Engagement Manager |
| Appeals Manager | Director |
| Communications Officer | Communications and Public Affairs |

ii) Purchase Cards

| Card Holder (Role) | Transaction & Monthly Limit | Approver (Role) |
|--------------------------------|--|---|
| Central Services Manager | £10,000 | Director |
| Office and Facilities Manager | £10,000 | Central Services Manager or Director |
| Technology Manager | £5,000 | Stakeholder Engagement Manager or Cent Serv Manager |
| Projects Officer | £10,000 | Stakeholder Engagement Manager or Cent Serv Manager |
| Appeals Manager | £5,000 | Director or Cent Serv Manager |
| Executive Assistant | £10,000 | Central Services Manager or Director |
| Stakeholder Engagement Manager | £5,000 | Director or Central Services Manager |

iii) Imprest Accounts

Only the Central Services Manager / Finance Officer and Accounts Assistant have access to Petty Cash. The cash balance is limited to £50 at any one time, kept in the safe overnight and reconciled each month independently.

Where cash is required, only the Central Services Manager is authorised to draw cash from the Joint Committee's current account in accordance with the Joint Committee's approved Cash Policy.

3 Human Resources

| Area of Delegation | Limit (Grade / £) | Designated Authorising Officers | Notes |
|--|--|--|--|
| Authorising that a post within the establishment is to be filled | Grade 10 | Senior Manager for their department | The Business Manager will be notified to update the HR system. |
| Authorising: <ul style="list-style-type: none"> • Staff appointments* • Promotions | Grade 10 *Up to two increments depending upon qualifications and experience | Senior Manager for their department | As above |
| Authorise Changes to Employment Contracts | Grade 10 | Senior Manager for their department | As above |
| Approval for overtime to be worked | Where allowed within contract | Senior Manager for their department | As above |
| Authorise Redundancies/Early Retirements | Applies across all grades | Director in conjunction with Joint Committee and CEC | As above |

| Area of Delegation | Limit (Grade / £) | Designated Authorising Officers | Notes |
|---|-------------------------------|--|----------|
| Authorise Payments: <ul style="list-style-type: none"> • Staff Overtime Claims • Staff Expense Claims | Where allowed within contract | Senior Manager for their department Senior Manager/Business Manager | As above |
| Authorise contractor/agency worker timesheets (or equivalent claims) | Grade 7 | Senior Manager/Business Manager | As above |

Note: Adjudicator recruitment and terms and conditions is delegated to the Chief Adjudicator.

4 Management of Assets

| Area of Delegation | Limit (£) | Designated Authorising Officers |
|---|-----------|--|
| Maintenance of Asset Inventory | | Central Services Manager and Operations Manager (technology) |
| Authorising disposal of equipment or materials | ≤ £5,000 | Director |
| | > £5,000 | Chair of Joint Committee |
| Authorising write off and / or disposal of IT hardware & software | ≤ £5,000 | Director |

5 Banking and Income

No bank accounts may be opened or arrangements made with any other bank except by agreement with the Director. New investment deposits with current banking institutions will be authorised by the director.

| Area of Delegation | Designated Accounting Officers | Notes |
|---|--------------------------------|-------|
| Authority to raise an external/internal invoice | Finance Officer | |
| Authority to cancel debt (e.g. credit notes). | Central Services Manager | |
| Authority to write off debt | Director | . |

i) On-line banking authorisations

All transactions and amendments to user profiles and limits require 2 approvers (neither of which can be the user requesting the change).

| Designated User | Raise Payments and Changes | Authorise with one other |
|-------------------------------|----------------------------|--------------------------|
| Director | Yes | Yes |
| Central Services Manager | Yes | Yes |
| Finance Officer | Yes | No |
| Office and Facilities Manager | Yes | Yes |

| | | |
|--------------------------------|----|-----|
| Stakeholder Engagement Manager | No | Yes |
|--------------------------------|----|-----|

6 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 Manager | |
| Amendments to budgeted amounts | All | Central Services Manager Director | |

7 Performance Management

| | |
|---|-------------------------------------|
| Responsibility for maintaining Performance Management System: | Director & Central Services Manager |
|---|-------------------------------------|

8 Risk Management

| | |
|--|-------------------------------------|
| Responsibility for maintaining Risk Management System: | Director & Central Services Manager |
|--|-------------------------------------|

9 Insurance

| Area of Delegation | Designated Authorising Officers |
|--|--|
| Obtain and maintain appropriate insurance cover | Central Services Manager |
| Dealing with claims (e.g. Statement of Disclosure, Defence etc.) | Central Services Manager |

10 Information Management

| Area of Delegation | Designated Authorising Officers |
|---|--|
| Responsibility for Document Retention/Information Management arrangements | Central Services Manager |
| Responsibility for Freedom of Information/Data Protection Act requests | Central Services Manager |

11 Building/Security

| Area of Delegation | Officer/Building |
|--|--|
| Building Specific Responsible Officers as required by Health and Safety Policy | Central Services Manager/Office and Facilities Manager |
| Key holders/Secure Access | Central Services Manager/Office and Facilities Manager |
| IT Physical Access to secure areas | IT Manager |

| | |
|--|--|
| | |
|--|--|

12 Other

| | |
|--|------------------------------|
| Business/Service owner of relevant policies/procedures (e.g. regular maintenance/update) | Central Services Manager |
| Service/Area specific Instructions/Regulations | Adjudicators/Appeals Manager |
| Contracts Register | Central Services Manager |
| Access to Systems / Network | IT Manager |

13 Approval

| | |
|---|--|
| Scheme of Delegation – Approved by | |
| Date of approval | |
| Evidence of approval held by | |

14. Review

This scheme will be reviewed on an annual basis.

Appendix 8

PATROL ADJUDICATION AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

CODE OF CORPORATE GOVERNANCE

1. Background

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

a) section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);

b) section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);

c) Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations). These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations.

d) Regulation 16 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018. These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations.

The Bus Lane Adjudication Service (BLAS) Joint Committee enables councils undertaking civil bus lane enforcement to exercise their functions under Regulation 12 of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005

2. Primary objectives

The agreed primary objectives of the joint committee are the provision of:

(i) a fair adjudication service for appellants including visible independence of adjudicators from the Local Authorities in whose areas they are working;

(ii) consistency of adjudication across the service;

(iii) a cost effective and equitable adjudication service for all Local Authorities party to the arrangements established pursuant to this deed;

(iv) flexibility to deal with a wide range of Local Authorities with varying levels of demand for adjudication; and

(v) such other functions as may be conferred on the joint committee by statute from time to time (which include, at the date of this deed, the arrangements made under the Memorandum of Understanding regarding the Provision of Adjudication Services between the PATROL Joint Committee and the Secretary of State.

3. Functions of the PATROLAJC

The functions of the PATROLAJC are:

1. to appoint (re-appoint and dismiss) subject to the Lord Chancellor's consent (and that of the Lord Chief Justice as required) Adjudicators for the purposes of Part 6 of the 2004 Act;
2. to appoint a proper officer and deputy of PATROLAJC;
3. pursuant to the terms of this deed to appoint (and terminate and accept the resignation Of a Lead Authority for the purpose of the arrangements established by this deed;
4. to provide or make arrangements for the provision of accommodation and administrative staff and facilities for the Adjudicators;
5. to determine after consultation with the relevant Participating Authority where the Adjudicators are to sit;
6. to commission and receive an annual report upon the Adjudication Service from the Adjudicators;
7. to make and publish an annual report to the Appropriate National Authority as appropriate on the discharge by the Adjudicators of their functions;
8. to defray all the expenses of the adjudication process and in particular expenses in relation to the remuneration of Adjudicators;
9. to establish and approve annual budgets and receive annual accounts and regular monitoring reports on associated expenditure;
10. to undertake such other functions as are reasonably incidental to the efficient operation of the adjudication process;
11. such other associated functions as Participating Authorities may lawfully arrange for the PATROLAJC to perform as they from time to time consider appropriate, provided that the PATROLAJC agrees to such associated functions.

In summary, the functions exercised by the PATROL Adjudication and Bus Lane Adjudication Service Joint Committees on behalf of their constituent councils are appointing independent adjudicators to the Traffic Penalty Tribunal, providing these adjudicators with administrative staff and accommodation. Its remit in relation to the Traffic Penalty Tribunal as an independent tribunal is limited to these matters. The relationship between the

Adjudicators and the Joint Committees is underpinned by a Memorandum of Understanding to this effect.

The Joint Committees also undertake such other associated functions as the participating Authorities may lawfully arrange the Joint Committees to perform as they from time to time consider appropriate.

4. Corporate Governance

The PATROL Adjudication Joint Committee (PATROLAJC) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. In discharging this overall responsibility, the PATROLAJC is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

Members and officers are given the opportunity at each meeting to declare pecuniary and non-pecuniary interests

5. Principles of good governance

The Joint Committees are classed as small bodies for audit purposes without the requirement to produce a comprehensive annual governance statement however the Joint Committee is committed to proportionate governance and has taken steps to promote transparency through the publishing of externally audited accounts.

The PATROLAJC approach to governance, in so far as it is applicable, is consistent with the principles of the CIPFA/SOLACE Framework *Delivering Good Governance in Local Government 2016* in developing its Code of Corporate Governance. The CIPFA/SOLACE governance framework 'Delivering Good Governance in Local Government' brings together an underlying set of legislative requirements, governance principles and management processes.

- A) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
- B) Ensuring openness and comprehensive stakeholder engagement
- C) Developing the entity's capacity, including the capability of its leadership and the individuals within it.
- D) Managing risks and performance through robust internal control and strong public financial management
- E) Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

The Joint Committees have put in place the following measures to support its governance:

- Joint Committee Agreement
- Membership through Memorandum of Participation
- Service Level Agreement with Host Authority reviewed annually over five-year term.
- Memorandum of Understanding between Adjudicators and the Joint Committees

- Standing Orders
- Executive Sub Committees and Working Groups underpinned by Terms of Reference
- Resources Working Group undertakes audit scrutiny role.
- Officer Advisory Board.
- Formal framework of delegation
- Financial Regulations
- Registers of interest and hospitality
- Risk Management Strategy
- Reserve Policy Statement
- Investment Strategy
- Voluntary external audit and publication of accounts
- Information about the Joint Committees, publication of agendas, papers and newsletters through the PATROL website at www.patrol-uk.info.
- Freedom of Information publication scheme

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

- i) Keep its governance arrangements under review.
- ii) Annually monitor effectiveness

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

PATROL ADJUDICATION JOINT COMMITTEE

| | |
|-------------------------|--|
| Date of Meeting: | 16 th July 2019 |
| 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 2019/20

2.0 Recommendation

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

3.0 Reasons for Recommendations

- 3.1 Compliance with Financial Regulations

4.0 Financial Implications

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

5.0 Legal Implications

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

6.0 Risk Management

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

“We will maintain a sufficient level of reserves to support liquidity and absorb short-term fluctuations in income and expenditure beyond our control.” (See 7.4)

7.0 Background and Options

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

7.3 For 2019/20, it is again recommended that the Reserves Policy Statement will be made up of three elements:

- General Reserves
- Property Reserves
- IT Reserve

At its meeting in January 2019, the Joint Committee requested that consideration be given to simplifying the reserve as far as possible using a percentage formula. This has been introduced at paragraphs 7.4 and 7.6. The effect of introducing this change to the amounts approved at the January meeting are as follows:

Table 1 Comparison of proposed reserve levels in January 2019 and April 2019

| | Existing Method: | Proposed Method: |
|------------------------------|------------------|------------------|
| General Reserve | £1,403,378 | £1,637,548 |
| Property Reserve | £135,230 | £135,230 |
| Technology Reserve | £250,000 | £325,510 |
| Total Approved Reserve | £1,793,607 | £2,098,288 |
| Total Free Reserve at Jan 19 | £1,997,838 | £1,693,157 |
| Less DC ring-fenced amount | £167,125 | £167,125 |
| Less MG ring-fenced amount | £222,602 | £222,602 |
| PATROL Free Reserves | £1,608,111 | £1,303,430 |

7.4 The General Reserve

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

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

The General Reserve is based on 50% of total budgeted costs. The General Reserve for 2019/20 will be £1,637,548.

7.5 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. It reflects the number of years of commitment beyond the next budgeted year.

The lease for Springfield House was renewed in February 2018. 2019/20 represents the second year of lease which will have a breakclause at year 3. Therefore, provision is therefore made for rent for one year beyond that budgeted for in 2019/20.

It is recommended that the Property Reserve for 2019/20 is £135,230 which compares with £296,575 in 2018/19, and £221,340 in 2017/18.

7.6 Technology Reserve

It is recommended that the Technology reserve be set at 10% of budget level to enable further refinement of the digital appeal system and to prepare to receive road user charging appeals arising from penalties issued in charging clean air zones scheduled to commence early 2020.

Table 2: Technology Reserve Levels

| | |
|-------------------------|----------|
| 2019/20 proposed method | £325,510 |
| 2018/19 | £250,000 |
| 2017/18 | £350,000 |

For 2019/20 it is recommended that a reserve based on 10% of budgeted costs is in place to promote technological innovation. In 2019/20 this will equate to £325,510 and will further refine the digital appeal system and to

prepare to receive road user charging appeals arising from penalties issued in charging clean air zones scheduled to commence in 2020.

7.7. **It is recommended that the total PATROL approved reserve level for 2019/20 is £1,866,984. This after allowing for the proposed Reserve Allocation to BLASJC of £231,304.**

7.8 It is anticipated that PATROL reserve will reach £2,743,878 (excluding ring-fenced amounts) at the 31st March 2019 and therefore sufficient reserves will be in place to accommodate the recommended approved reserve of £1,866,984.

7.9 The Joint Committee will monitor income and expenditure during 2019/20 to keep the Reserves Policy Statement under review.

8.0 **PATROL Free Reserves**

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

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

8.2 The maximum permitted level of residual balance will be no greater than the approved reserve level. Table 3 provides a summary of reserves over the period year ending March 2013 to March 2018 which indicates that there has been an excess of approved over free reserve excepting for the period ending March 2016.

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

**Table 3: PATROL Reserves Summary
2013 to 2018**

| | Mar-13 | Mar-14 | Mar-15 | Mar-16 | Mar-17 | Mar-18 |
|-----------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Actual Reserves | 2,183,991 | 2,452,731 | 2,414,466 | 2,956,802 | 3,116,338 | 3,119,193 |
| Approved Reserves | 1,282,895 | 1,810,965 | 1,957,028 | 1,458,161 | 1,879,545 | 1,656,689 |
| Free Reserves | 901,096 | 641,766 | 457,438 | 1,498,641 | 1,236,793 | 1,462,504 |
| Free as % of Approved | 70.2% | 35.4% | 23.4% | 102.8% | 65.8% | 88.3% |

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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PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Date of Meeting: 16th July 2019

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

Subject/Title: Establishment of Executive Sub-Committee

1.0 Report Summary

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

2.0 Recommendation

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

2.2 Notes the date of the first meeting of the Executive Sub Committees will be on 29th October 2019 in London.

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

3.0 Reasons for Recommendations

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

4.0 Financial Implications

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

5.0 Legal Implications

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

6.0 Risk Management

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

7.0 Background and Options

- 7.1 Members are aware that as each Council becomes a party to the PATROL and/or Bus Lane Adjudication Service Joint Committee Agreement it is required to appoint a Member to represent their Council on the Joint Committee.
- 7.2 As the number of Councils joining the Joint Committees increases, one way of avoiding the need for large numbers of members attending all the committee meetings is to establish an Executive Sub-Committee. Both the PATROL and Bus Lane Adjudication Service Joint Committee Standing Orders enable the Joint Committees to appoint such Sub-Committees as they see fit.
- 7.3 Any Terms of Reference for such Sub-Committees need to be agreed by the Joint Committees as and when each Sub-Committee is established.
- 7.4 Many of the day to day functions of the Joint Committees have already been delegated to officers. Some of the functions that have not been delegated have been examined and it is considered that if the Joint Committee so decides, an Executive Sub-Committee could deal with most of these non-delegated functions without the need for the full Committee to meet.
- 7.5 In particular there is a requirement in both the PATROL and Bus Lane Adjudication Service Joint Committee Agreements for the Joint Committees by 31st January each year to set a budget of estimated expenditure for the following year and to determine the amount of contribution of member Councils.
- 7.6 The functions recommended by officers for delegation to the Executive Sub-Committees are detailed in the Appendix to this report.
- 7.7 The size of the Executive Sub-Committees is recommended by officers to comprise a minimum of twelve in number for PATROL, including the Chair of the Joint-Committee and at least one each representing District, County, Unitary, Metropolitan councils and at least one from an English authority and one from a Welsh authority. The recommended minimum number for the Bus Lane Adjudication Service Joint Committee Executive Sub Committee is three.

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

APPENDIX 1

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

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

1. Financial Matters

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

2. Human Resources

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

3. Advisory Board

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

4. New Council members to the PATROLAJC and BLASJC Agreements

Noting new council members.

5. Ad hoc delegations

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

6. Chairs of the Executive Sub Committees

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

APPENDIX 2: POLICY FOR MEETING MEMBERS' TRAVEL EXPENSES

Introduction

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

Proposed Policy

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

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

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

Train Travel

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

Claiming expenses

Train travel expenses must be submitted on the PATROL Member Claim Form (Appendix 2B). This will be emailed to Members for electronic submission of claims.

Travel tickets may act as a receipt when reclaiming expenditure.

Claims should be submitted as soon as possible and certainly no later than 3 months following the expenditure.

Contact details:

accounts@patrol-uk.info

or

Accounts
PATROL
Springfield House
Water Lane
Wilmslow
SK9 5BG

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

Member Claim Form

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

| TRAIN TRAVEL | Start | Finish |
|------------------------|-------|--------|
| Address / Station | | |
| TOTAL CLAIMED £ | | |

Please make payment by: Bank transfer (BACS) Cheque

Account Number: _____

Sort Code: _____

Bank & Branch Name: _____

Make cheques payable to: _____

Postal address: _____

Please submit all claims with receipts / tickets to accounts@patrol-uk.info or post to PATROL, Accounts 2nd Floor, Springfield House, Water Lane, Wilmslow, SK9 5BG

Office use only:

| | |
|---------------------|--|
| Total Claimed £ | |
| Checked By and Date | |

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PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

| | |
|-------------------------|--|
| Date of Meeting: | 16 th July 2019 |
| 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 2 nd April and 18 th June 2019. |

1.0 Report Summary

- 1.1 To report on the PATROL and BLASJC Resources Working Group meeting held 2nd April and 18th June 2019.

2.0 Recommendations

- 2.1 To note the matters discussed at the meeting held 2nd April and 18th June 2019.
- 2.2 To approve the Terms of Reference for 2019/20 (Appendix 1)
- 2.3 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

3.0 Reasons for Recommendations

- 3.1 To update the Joint Committees

4.0 Financial Implications

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

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

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

7.0 Background and Options

- 7.1 The July 2018 meetings of the Joint Committees resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives with resources implications on its behalf.
- 7.2 The last meeting took place on 18th June 2019, was chaired by Councillor Stuart Hughes and considered the following items

- a) The annual review of the terms of reference for the PATROL and BLASJC Resources Working Group and Sub Committee (Appendix 1).
- b) Received a Public Affairs Update and resolved that a report be presented to the annual meeting of the Joint Committees. This is reported under separate cover.
- c). Plans for the forthcoming House of Commons reception on 16th July 2019, reported under separate cover.
- d) The reporting of Traffic Penalty Tribunal statistics for 2018/19. This is reported under separate cover.
- e) The current planning status of clean air zones in the various local authorities identified as having exceedances in nitrogen dioxide.
- f) Considerations for the review of resources required to meet obligations over the next five years.
- g) Draft agendas, financial and governance reports for the Joint Committee meetings.
- h) Arrangements for reimbursing member travel expenses for attendance at Executive Sub Committee meetings in October and January (reported separately) and review of staff expense guidelines.
- h) Procurement falling outside the Joint Committee's financial regulations

8. Recommendation

- 8.1 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and those set out in the Public Affairs Update and report back to the subsequent meetings of the Joint Committee Executive Sub Committees in October 2019 and January 2020 and the Joint Committee meetings in July 2020.

9.0 Recommendation

- 9.1 To note the matters discussed at the meeting held 2nd April and 18th June 2019.
- 9.2 To approve the Terms of Reference for 2019/20 (Appendix 1)
- 9.3 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.

10.0 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

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Resources Working Group and Sub Committee

DRAFT Terms of Reference 2019/20

Membership:

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

Meetings:

As and when required.

Delegation

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

- (a) Any financial, governance or other matter that the Joint Committee or its Executive Sub Committee determines to delegate to the Resources Working Group to take forward between meetings in so far as this does not contravene existing standing orders and governance arrangements and falls within the approved budget.
- (b) Progressing any urgent financial or governance matter including risk items relating to audit recommendations which fall between Joint Committee or its Executive Meetings as raised by the Chairman or Director on the basis that this falls within the approved budget.
- (c) Accepting tenders for the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract on the basis that they fall within the approved budget or relate to earmarked reserves.
- (d) Noting the recommendations from low level internal audit reports and monitoring any follow up actions
- (e) Noting reports from the Director on expenditure falling outside the Joint Committee's Financial Regulations.
- (f) Approving human resource proposals which fall outside the delegation from the Joint Committee and Lead Authority to the Director save for those relating to Adjudicators which are delegated to the Chief Adjudicator on the basis that they fall within the approved budget.

Review

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

Approved June 2015

Approved July 2016

Approved July 2017

Approved July 2018

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PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Date of Meeting: 16th July 2019
Report of: The Director
Subject/Title: General Progress Report

1.0 Report Summary

1.1 To provide a General Progress Report for 2018/19.

2.0 Recommendations

2.1 To note the matters reported.

3.0 Reasons for Recommendations

3.1 To update the Joint Committees

4.0 Financial Implications

4.1 This information will be reviewed in preparing budgets for 2020/21 in January 2019.

5.0 Legal Implications

5.1 None

6.0 Risk Management

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

7.0 Background and Options

7.1 A report is presented at Appendix 1

8.0 Access to Information

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

Name: Louise Hutchinson

Designation: Director

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Email: lhutchinson@patrol-uk.info

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Appendix 1

General Progress Report: 1 April 2018 to 31 March 2019

1. Introduction

1.1 Continuing the trend from the previous five years, the work of the Traffic Penalty Tribunal (TPT) increased in 2018/19 by 21%. Because the digital transformation of the five years preceding 2018/19 has been designed to enable the work of the TPT to be scalable, the additional cases have been dealt with, not only with improved case closure time, but also a reduction in adjudicator costs between 2017/18 and 2018/19 (reported separately).

2. Background

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

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

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

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

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

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

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

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

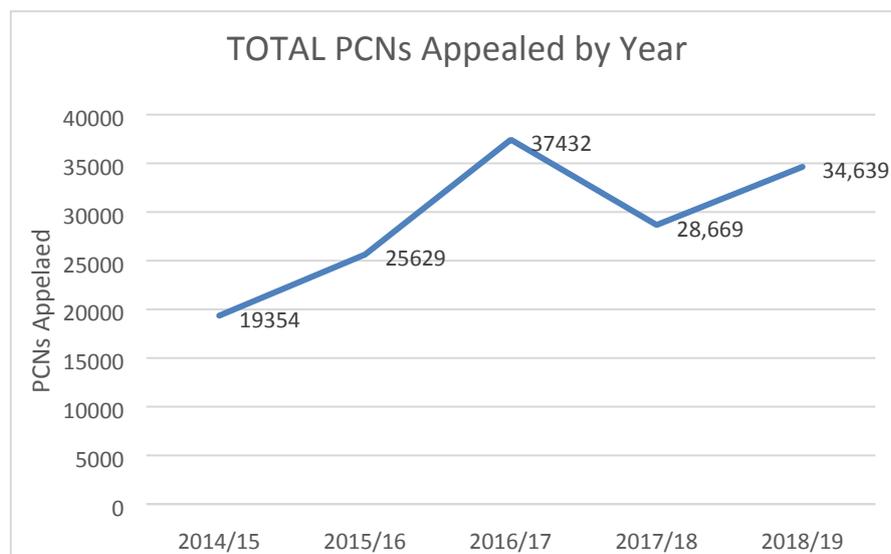
2.8 The relationship between the Adjudicators and the PATROL Joint Committee is largely derived from and governed by the *Traffic Management Act 2004* and *Transport Act 2000* and the regulations made under those two Acts.

3. Appeals and PCN summary, April 2018 to March 2019

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

3.1 The below table compares PCNs across all appeal streams for 2018/19, with the total for the year compared with the previous year 2017/18. The running figures for 2019/20 to date are also shown.

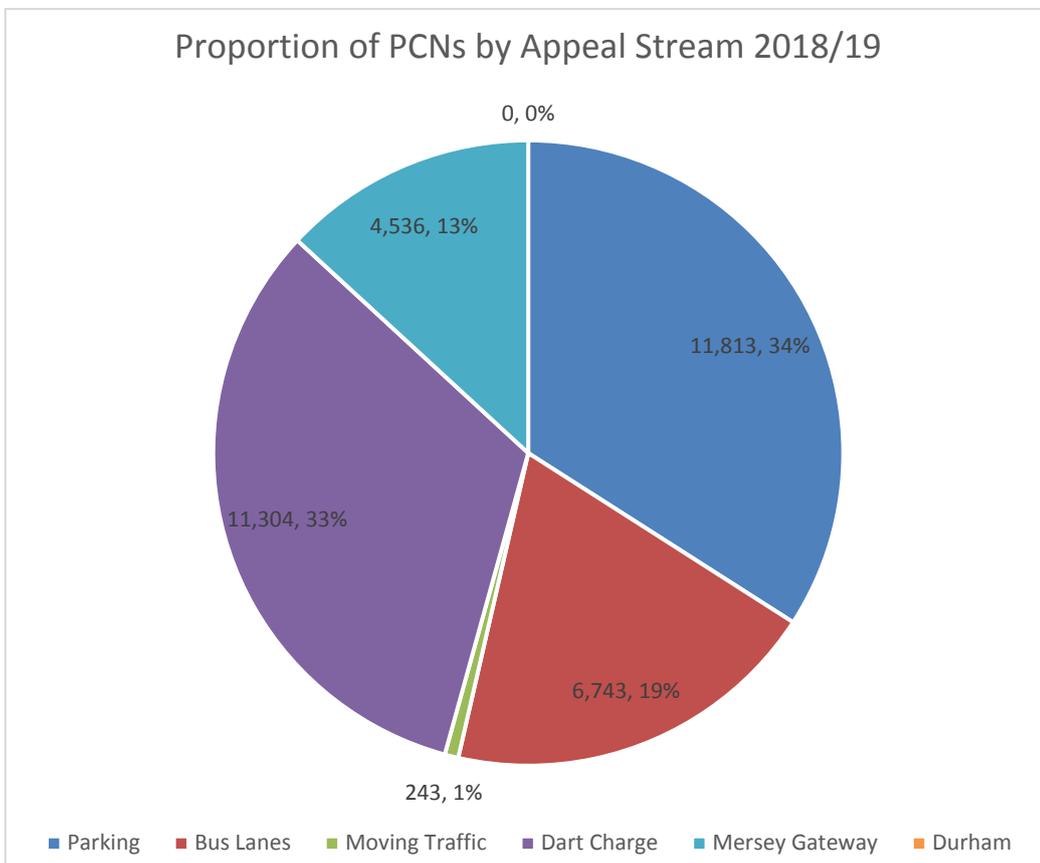
| | 2018/19 |
|--------------------------|------------------------|
| April | 2,157 |
| May | 2,671 |
| June | 2,270 |
| July | 2,695 |
| August | 2,879 |
| September | 2,747 |
| October | 3,082 |
| November | 3,341 |
| December | 2,589 |
| January | 3,225 |
| February | 3,126 |
| March | 3,857 |
| TOTAL | 34,639 |
| Total for 2017/18 | 28,669 |
| | +21% in 2018/19 |



3.2 Specific appeal streams

The below table sets out the PCNs dealt with in 2018/19 by appeal stream.

| 2018/19 | | | | | | | |
|--------------|---------------|--------------|----------------|---------------|----------------|----------|---------------|
| | Parking | Bus Lanes | Moving Traffic | Dart Charge | Mersey Gateway | Durham | Month TOTAL |
| April | 952 | 429 | 15 | 600 | 161 | 0 | 2,157 |
| May | 987 | 494 | 22 | 991 | 177 | 0 | 2,671 |
| June | 868 | 507 | 19 | 790 | 86 | 0 | 2,270 |
| July | 926 | 617 | 25 | 1,061 | 66 | 0 | 2,695 |
| August | 991 | 507 | 19 | 1,060 | 302 | 0 | 2,879 |
| September | 884 | 498 | 13 | 1,044 | 308 | 0 | 2,747 |
| October | 1,025 | 681 | 31 | 953 | 392 | 0 | 3,082 |
| November | 995 | 649 | 10 | 955 | 732 | 0 | 3,341 |
| December | 855 | 699 | 16 | 668 | 351 | 0 | 2,589 |
| January | 1,118 | 624 | 15 | 1,015 | 453 | 0 | 3,225 |
| February | 1,079 | 512 | 27 | 996 | 512 | 0 | 3,126 |
| March | 1,133 | 526 | 31 | 1,171 | 996 | 0 | 3,857 |
| TOTAL | 11,813 | 6,743 | 243 | 11,304 | 4,536 | 0 | 34,639 |

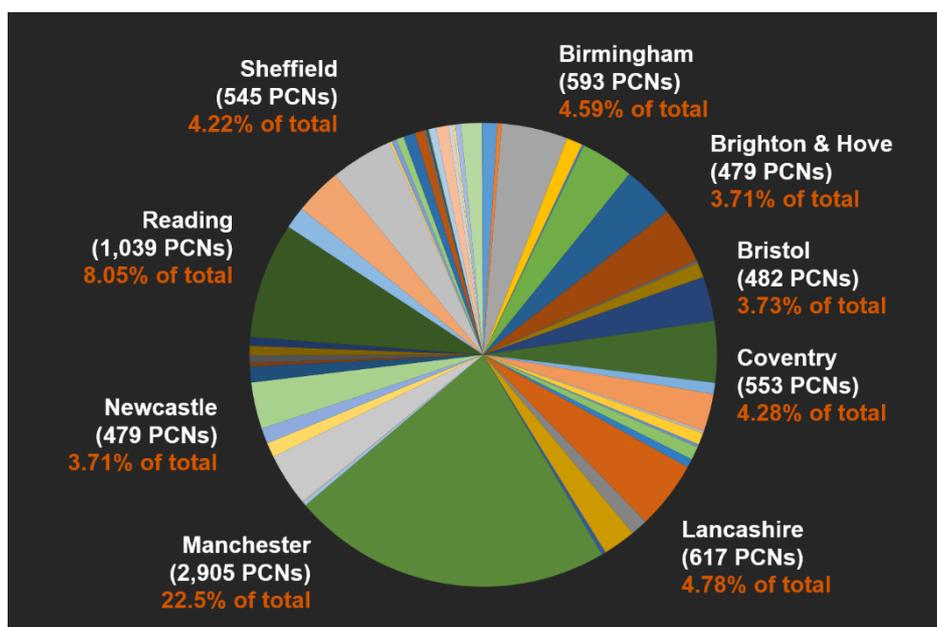


3.3 England

The below table provides a breakdown on PCNs dealt with from England in 2018/19.

| | Parking England | Bus Lanes England | TOTAL |
|---------------------------|------------------------|------------------------|------------------------|
| April | 921 | 422 | 1,343 |
| May | 936 | 470 | 1,406 |
| June | 821 | 485 | 1,306 |
| July | 889 | 596 | 1,485 |
| August | 946 | 482 | 1,428 |
| September | 840 | 477 | 1,317 |
| October | 966 | 646 | 1,612 |
| November | 943 | 628 | 1,571 |
| December | 821 | 686 | 1,507 |
| January | 1,063 | 618 | 1,681 |
| February | 1,031 | 500 | 1,531 |
| March | 1,063 | 487 | 1,550 |
| TOTAL | 11,240 | 6,497 | 17,737 |
| TOTAL for 2017 /18 | 9,566 | 4,322 | 13,888 |
| | +17% on 2018/19 | +50% on 2018/19 | +28% on 2018/19 |

Some 580 locations attracted Bus Lane appeals in 2018/19, including those where new Bus Lane schemes were introduced or are considered ‘Hotspots’ (see pie chart below) – where motorists are unclear about the restrictions (for example, due to the signage in place, or the schemes are located in destinations that attract a high number of outside visitors) and are repeatedly in contravention. Over 65% of all Bus Lane penalties appealed to the Tribunal in the last three years focus on the signs and lines in place at the given scheme.



3.4 Wales

The below table provides a breakdown on PCNs dealt with from Wales in 2018/19.

| | Parking Wales | Bus Lanes Wales | TOTAL |
|---------------------------|------------------------|-----------------------|-------------------------|
| April | 31 | 7 | 38 |
| May | 51 | 24 | 75 |
| June | 47 | 22 | 69 |
| July | 37 | 21 | 58 |
| August | 45 | 25 | 70 |
| September | 44 | 21 | 65 |
| October | 59 | 35 | 94 |
| November | 52 | 21 | 73 |
| December | 34 | 13 | 47 |
| January | 55 | 6 | 61 |
| February | 48 | 12 | 60 |
| March | 70 | 39 | 109 |
| TOTAL | 573 | 246 | 819 |
| TOTAL for 2017 /18 | 489 | 360 | 849 |
| | +17% in 2018/19 | -5% in 2018/19 | -3.5% in 2018/19 |

Please note: Figures for Moving Traffic [enforced only by Cardiff City Council] not included

3.5 Dart Charge (Highways England)

The below table provides a breakdown on PCNs dealt with from the Dart Charge scheme in 2018/19.

| | 2018/19 |
|--------------------------|-----------------------|
| April | 600 |
| May | 991 |
| June | 790 |
| July | 1,061 |
| August | 1,060 |
| September | 1,044 |
| October | 953 |
| November | 955 |
| December | 668 |
| January | 1,015 |
| February | 996 |
| March | 1,171 |
| TOTAL | 11,304 |
| Total for 2017/18 | 10,460 |
| | +8% on 2018/19 |

3.6 Merseyflow (Halton Borough Council)

The below table provides a breakdown on PCNs dealt with from the Merseyflow scheme in 2018/19.

| | 2018/19 |
|--------------------------|------------------------|
| April | 161 |
| May | 177 |
| June | 86 |
| July | 66 |
| August | 302 |
| September | 308 |
| October | 392 |
| November | 732 |
| December | 351 |
| January | 453 |
| February | 512 |
| March | 996 |
| TOTAL | 4,536 |
| Total for 2017/18 | 3,472 |
| | +31% on 2018/19 |

4. Hearings

4.1The TPT's Fast Online Appeals Management (FOAM) system has transformed the way that appeals are handled, and this is particularly evident in the figures for Hearings (See Appendix 1A). The ability to message, comment on evidence and request that extra evidence be uploaded within the FOAM system has meant that most cases can be resolved without a Hearing (through an e-Decision). In addition, the an appellant only has the option to request a Hearing once all the evidence is available to the parties, and the adjudicators are able to review cases in advance to see whether a Hearing is actually required.

4.2Telephone Hearings have replaced Face-to-Face Hearings as the primary Tribunal Hearing method (Face-to-Face is still an option, where circumstances necessitate it), requiring no travel or related costs by either party or the TPT, and a decision often given during a call. The Tribunal has also begun to trial video hearings in 2018 and is rolling these out further in 2019.

4.3Feedback in relation to video hearings has included:

'I found the video hearing helpful...you can have the benefit of ability to set at a time that works for me. To hear the council that was helpful. Generally, it was easy to set up Zoom, the guys were great with helping... Overall a great experience as I'm not really techy.'

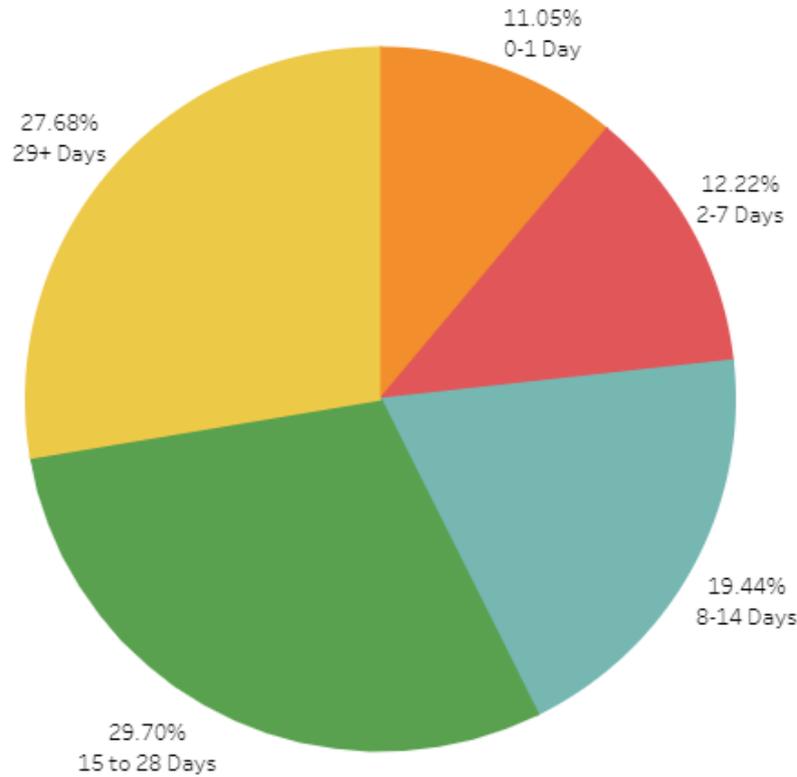
'As a service it's OK - today has been good...The video hearing suited my face-to-face requirements.'

| Breakdown of decision method by year | | | | | | |
|--------------------------------------|-------------|--------------------|------------|--------------|-----------|-------|
| | TOTAL Cases | Other ¹ | e-Decision | Face-to-face | Telephone | Video |
| 2018/19 | 25,064 | 1,419 | 20,524 | 14 | 3,087 | 20 |
| 2017/18 | 21,664 | 3,498 | 15,873 | 596 | 1,695 | 2 |
| 2016/17 | 25,239 | 4,231 | 17,400 | 1,333 | 2,275 | 0 |

¹These figures include cases that are Witness Statements; Closed – Enforced; No Contests; Consent Orders and Not Registered

5. Case Closure

5.1 Appealing to the Traffic Penalty Tribunal is a judicial process and whilst it is not appropriate to set rigid timescales, the TPT’s objective is to provide a tribunal service that is user-focused, efficient, timely, helpful and readily accessible. For appellants and authorities, case resolution times provide a clear window on the efficiency and usability of the online system and associated improved business processes.



5.2 Case closure (all decisions): April 2018 to March 2019

- 11% of cases were resolved in **0–1 day**
- 12% within **2–7 days**
- 19% in **8–14 days**
- 30% in **15–28 days**
- 28% in **29 days+**

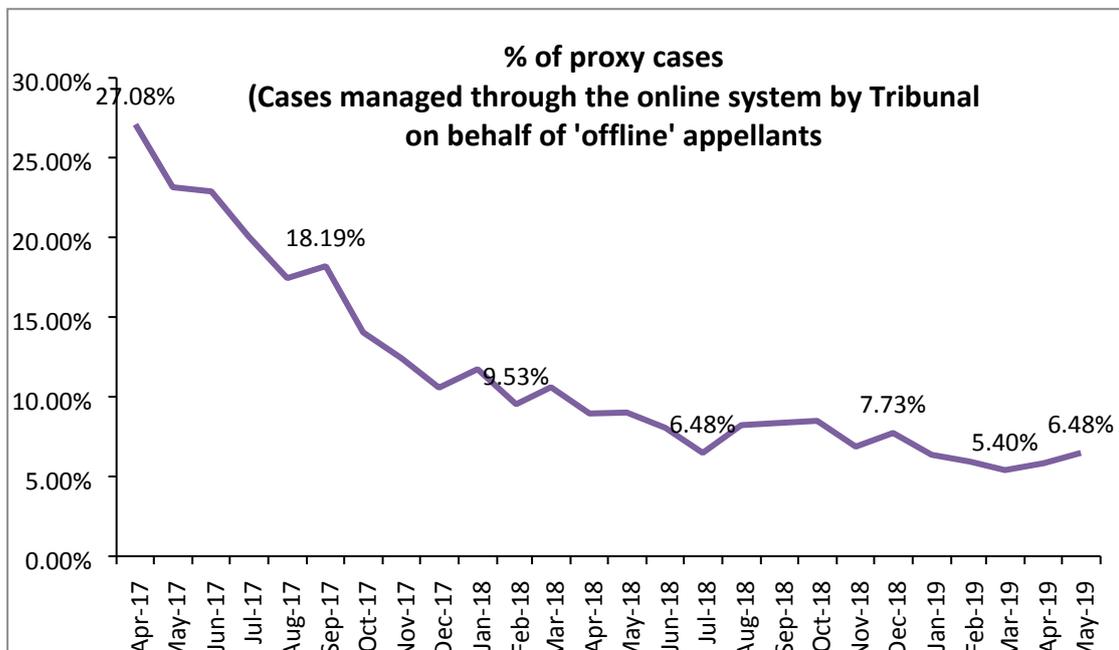
It is understandable that the cases which have a Hearing involved will take longer to be finalised. When appellants request a Hearing, the time to close their case will typically allow for a Hearing date 7–10 days away, and where adjudicators are seeking to clarify points using messaging, the time taken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

6. Helping 'offline' appellants

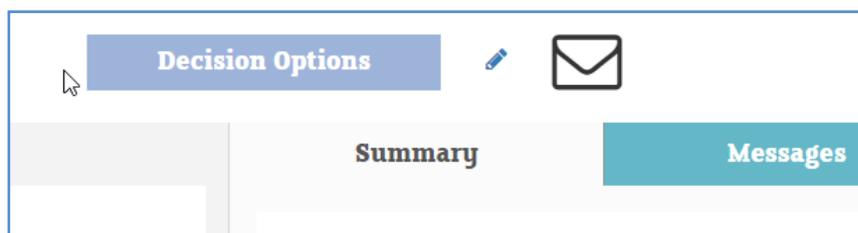
6.1The Tribunal has long recognised the importance of complementing the online system with an experienced customer service team, in order to provide support to appellants in making an appeal. While more than 90% of all appeals to the TPT are now submitted online through the Fast Online Appeals Management (FOAM) system (See Appendix 1A), appellants who cannot or prefer not to submit their appeal online are supported by the TPT customer service team.

6.2For the small percentage of people who do find it initially difficult to go online, TPT provides 'Assisted Digital' support. In line with the stipulations set out in the Government's Digital Service Standard, Assisted Digital at the TPT provides an active form of customer engagement with appellants, to 'walk through' the online appeal submission process and / or complete it on their behalf (by proxy). Contact with the TPT customer service team remains available throughout the process should they need it, including through the instant messaging and Live Chat functionality within the FOAM system (see Appendix 1A).

6.3While the support is there for appellants who need it, the percentage of cases submitted by proxy continues to reduce broadly (see below), while it is accepted there will be fluctuations.



6.4The Tribunal does recognise, however, that there will be appellants who, because of their ability, confidence or preference, still choose to request a paper form be posted to them. Once returned, these cases will be submitted to the online system by the TPT customer service team. The case is shown as online for the authority, but all communications to the appellant will be carried out via post. The envelope icon within the FOAM case (see screenshot below) indicates that the authority should post their evidence to the appellant if they decide to contest the appeal.

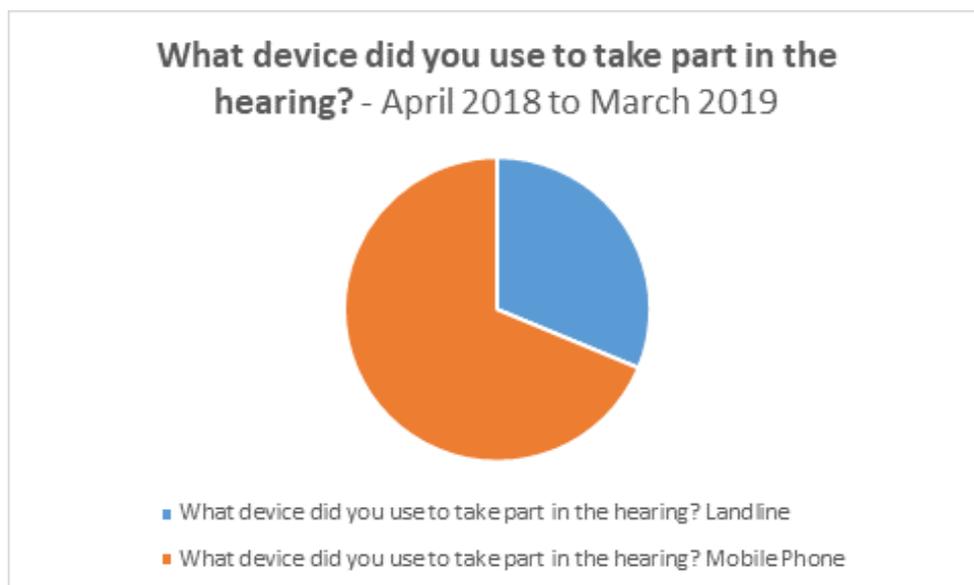
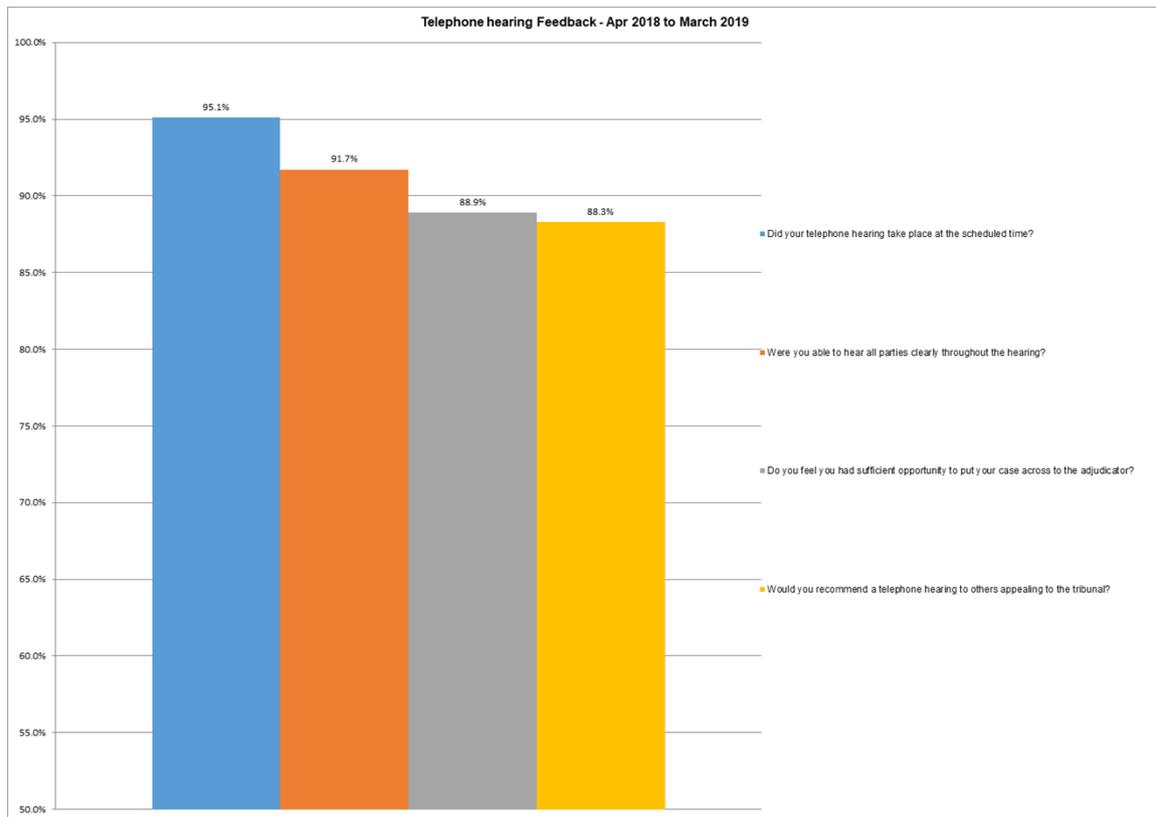


7. Appellant feedback

7.1 The Tribunal continues to review feedback from all users in respect of its online system, processes and information, in order to provide an optimal user experience.

7.2 Online appellants are routinely surveyed on their Telephone Hearing experience and the feedback is used to refine the service offered and address any technical issues. Following all Telephone Hearings, a survey is sent to those appellants that are managing their case online.

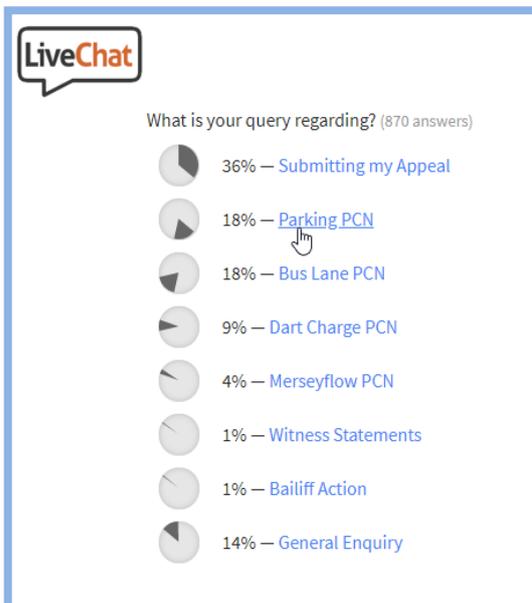
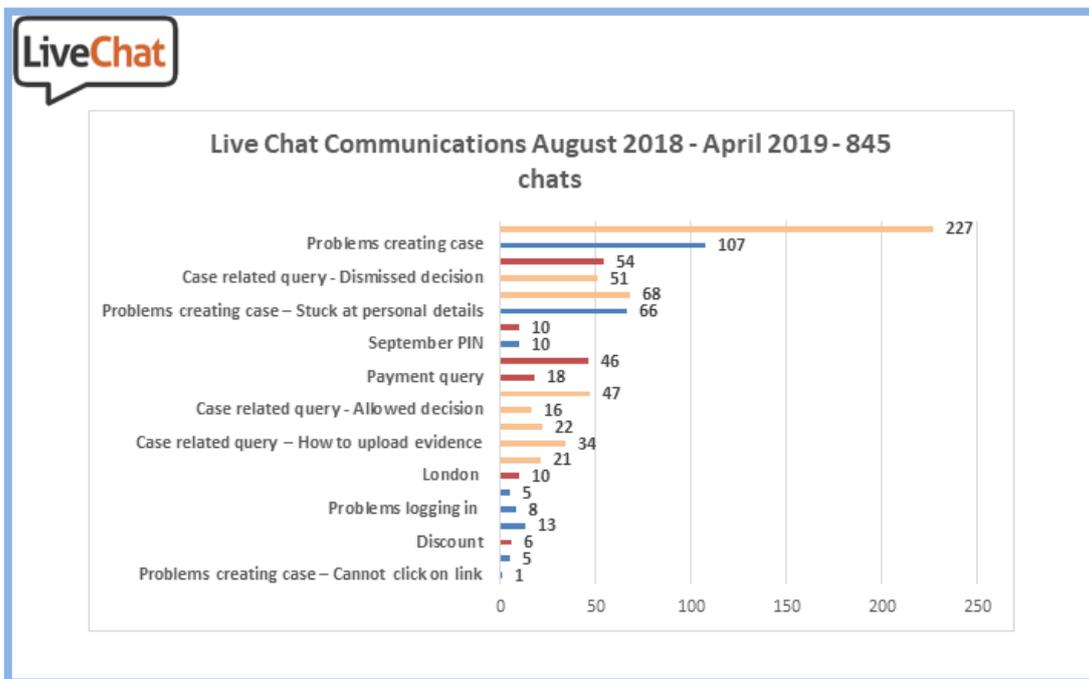
The overwhelming response to these surveys is positive.



8. Live Chat

8.1 In August 2018, a Live Chat facility was added to the appeal pages on the Tribunal website and within the Fast Online Appeals Management (FOAM) system (See Appendix 1A). Live Chat has become an extra channel for case-related enquiries and enhances the Tribunal’s ‘Assisted Digital’ offer by being a useful support for appellant queries when creating their cases online

- TPT agents are able to add links to the chats, which can take appellants to the exact page they need to be in FOAM.
- TPT agents can see the website pages the appellant has already viewed and whether they have a case already.
- Chat volumes are relatively low (approx. 5–10 chats per day) with feedback very positive – chat satisfaction rate is recorded as **90%**, whilst **75%** feedback that their issue was resolved within the chat.
- The majority of those who have used Live Chat indicated that they would have contacted the Tribunal by phone had the Live Chat facility not been available.



9. Local Authority Workshops

9.1 The Local Authority Engagement Manager conducted a series of 10 workshops over Summer 2018, in Durham; Manchester; Burton upon Trent; Birmingham; Cambridge; London; Bristol; Swansea; Winchester and Totnes. The workshop covered a range of topics, including updates on new civil enforcement appeal streams; the sharing of best practice and innovation from authority areas and the latest updates from the Tribunal and on the Fast Online Appeals Management (FOAM) system.

9.2 Feedback on the workshops continues to be very positive and PATROL recognises the importance of opportunities for officers to share experiences and best practice and reimburses travel expenses to assist attendance.

'Very satisfied with the workshop. It was carried out in an informative way but with the correct blend of informality which made it easier to follow.'

Carmarthenshire County Council

'Well organized and informative. Well delivered.'

Cardiff Council

'Great trainer. Very informative day – thank you.'

North Somerset Council

'A good session, adequate timings, good content which was well delivered.'

Derby City Council

'Good interactive workshop.'

Sandwell Metropolitan Borough Council

'Thank you for a very interesting and informative day. Lots to take away and implement.'

Torbay Council

Appendix 1A

‘Revolutionising a Service’: TPT Digital Transformation Overview

Since its inception, the TPT has always been driven by the guiding principles of Accessibility (the ability for online and offline appeals); Transparency (ensuring all parties can see the appeal, the evidence and the decision), Proportionality (to the nature of the penalty); Velocity (streamlining the appeal journey, where possible) and Finality (drawing the matter to a close effectively).

With a ‘Digital by Default’ mind-set, however, striving to embrace new and emerging technologies over the last decade and beyond – always with the experience of the user at the centre – the organisation has been able to channel these principles into a revolution in the way it manages appeals.

The result is a complete digital transformation of the organisation, with the continual refinement and enhancement of the last 13 years producing a world-renowned service offering for our users – one that is more accessible and transparent than ever, swift, scalable, supportive of modern working practices and efficient for the age of austerity.

In 2013/14, supported by investment from the PATROL Joint Committee, the Tribunal committed to introducing a new online system, which would be ‘digital by design’ and be developed with a user-focused approach. The Tribunal also committed to retaining the ‘human touch’ with the staff adopting new customer service role to provide ‘Assisted Digital’ support to people who require help in appealing online. The intention was also to introduce efficiencies in delivery costs, both for the Tribunal and the member authorities.

The new approach was not simply the development of a new system, but a complete overhaul of existing TPT processes, and a root and branch review of communications to ensure that the system was intuitive for all users.

Launched in 2016, the new system – Fast Online Appeals Management (FOAM) – is a next-generation, fully online case management system. Powered by an intuitive user interface, FOAM has the functionality and tools to bring together the two parties of an appeal – Appellant and Authority – in real-time, allowing them to make their case and express themselves in a richer and more compelling way than ever before.

FOAM is the culmination of the TPT’s rigorous focus on refining and interweaving content, communications, business process and technology together to provide the optimum user experience.

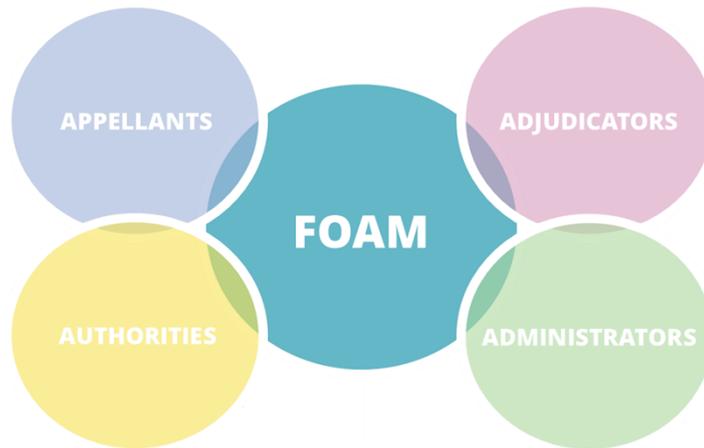
The headline features of FOAM include:

- Appeals submitted and processed fully online.
- Both parties (Appellant and Authority) have a holistic view of an appeal, with TPT Adjudicators and Administrators able to interact at appropriate times.
- Evidence is submitted and reviewed online, with comment and annotation functionality.
- All users can communicate and respond in real-time through a number of channels, including instant messaging and Live Chat.
- Appeal decision provide either as e-Decision or following a Telephone Hearing.
- Accessible on all devices with access to the internet (Smartphones, tablets, laptops).

Real-time interaction and intuitive tools

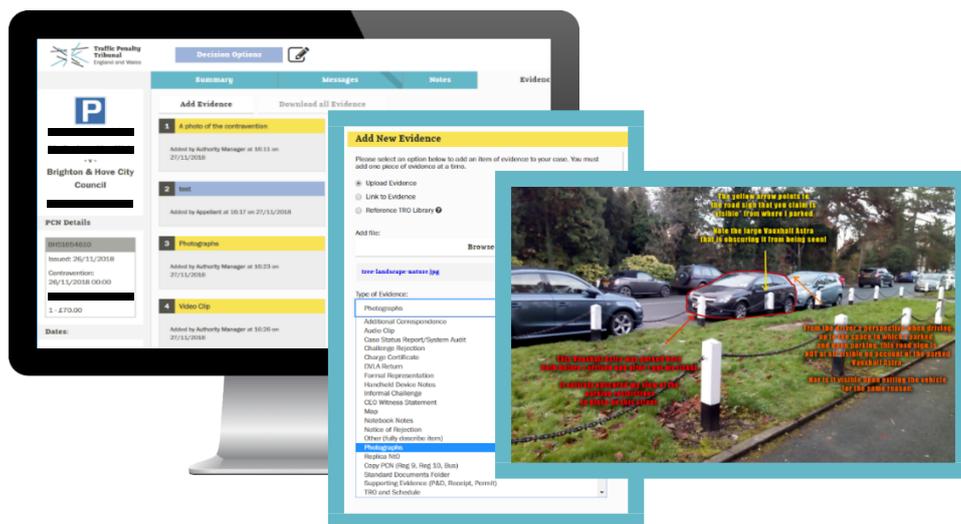
The starting point for the appeal process sits in the authority’s Notice of Rejection (NoR) of Representations. Appellants are provided with a URL link within the document to the FOAM system. A helpline number is also provided for people who do not wish to, or cannot, appeal online.

FOAM allows both parties (Appellant and Authority), together with TPT adjudicators and administrative staff, to have full visibility of each other’s actions as an appeal progresses. Distinct colours within the system represent the different users within a case (see below).



The FOAM system then allows both parties to the appeal to easily make and present their case to the other, including:

- Written statements on appeal submission.
- Authorities are provided with a bespoke dashboard to manage cases.
- Upload of evidence, from photographs and video, to PDFs of documents, to screen captures of WhatsApp messages.
 - Evidence can be annotated and explanatory notes provide (see below).
- Review and comment functionality on evidence provided.



During the progression of a case, both parties are able to use a series of communication channels to ask questions of each other, provide comments or get in touch with TPT administrative staff for help and support through the process. Adjudicators may also communicate with the parties for clarification and to provide updates when the time comes to review the evidence provided and decide the appeal.

The communication channels provided within FOAM further broaden and enrich the functionality of the system as a live, real-time dispute resolution platform. They include:

- Messaging
 - Similar functionality to popular instant messaging platforms.
 - Files can be attached to messages.
 - Clarification and updates to evidence can be dealt with swiftly and effectively.
- Live Chat
 - Available both within FOAM and on the TPT website prior to appeal submission.
 - Transcripts can be attached to the case file of an appeal.
- Email notifications
- Freephone customer services

Adjudicator addresses point of law to Appellant and Authority

Appellant acknowledges in context of their appeal

Authority agrees to discount of penalty charge payable

Messaging

Live Chat

~80% SAY ISSUE IS RESOLVED DURING LIVE CHAT WITH TPT STAFF

1 min, 6 secs
TPT STAFF AVERAGE RESPONSE TIME

Close alignment with local authority workflows and systems

One of the key triumphs of the FOAM system is the way in which its workflow aligns with the system processes of the enforcement authorities' party to appeals. This is the result of continual engagement and synchronisation with these authorities throughout the development process.

This engagement included a series of pathfinder workshops with a number of 'early adopter' authorities during the development of FOAM, which included critical buy-in and commitment from their IT teams to ensure the system would be implemented and deployed effectively. Regular workshops and training with authorities continued right through the eventual roll-out of the FOAM system.

The Tribunal appointed a Local Authority Engagement Manager and the system was rolled out through 38 local authority workshops in a 12-month period (2016/17). Local authority workshops continue on a regular basis and include a range of tribunal and PATROL topics.

Hearings: Impact of the online system

Hearings – where both parties to an appeal have an opportunity to put forward their case to a legal representative – have historically been a crucial element of general tribunal dispute-resolution practice. Such is the impact of the accessibility, functionality and efficiency delivered by the FOAM system, however, 90% of all decisions made require no hearing at all.

Once the evidence in a case has been submitted to FOAM by both parties and the case has progressed to the point of a decision being made, Appellants have the option to select either:

- **e-Decision:** A TPT adjudicator will decide the appeal without a hearing or talking to the parties, often asking questions in a message and the parties replying promptly.
- **Telephone Hearing:** Once the authority evidence is submitted, the motorist can ask for a teleconference with the adjudicator, with an Authority representative taking part.

Decisions and reviews

Following the Appellant deciding for an e-Decision or Hearing, the TPT adjudicator makes their decision directly within the FOAM system. The Appellant and Authority are both notified instantly and can log-on to read the decision and explanation provided.



Less than 3% of cases
result in a review application,
and only **0.2% of cases**
result in a different outcome,
following a review

Both parties then have the opportunity to review the decision, with the resulting process completed end-to-end within directly within the FOAM system.

Reviews can only be made in exceptional circumstances, where one of the following four grounds applies:

- A Hearing was requested, but the case was decided before a hearing was arranged.
- TPT made an administrative error in processing the case.
- New evidence has become available since the decision that could not have been anticipated.
- There was an error in the law applied to the decision.

Witness Statements

All authorities are now able to refer Witness Statements to the adjudicator by creating a case in FOAM. These contain sufficient evidence to enable a decision to be made in the majority of cases, without the need for initial directions.

Most Witness Statement referrals are decided on the day of referral, which has helped to significantly reduce the time taken to close a case. Where the adjudicator identifies that the appellant may wish to provide more information, the appellant is invited to join the online case.

Nearly a third of those appellants who have been invited to join their online case have done so. This benefits all parties: the appellant is able to engage online and the authority makes time and cost savings by not having to send the evidence pack by post.

Digital Transformation and the FOAM system: The impact

The digital transformation of the Traffic Penalty Tribunal and resulting deployment of the FOAM system has brought about a revolution in the way parking and traffic penalties are processed.

While the significantly improved user experience for both appellant and authority throughout an appeal as a result of the FOAM system lies at the heart of this revolution, there has also been a huge complementary impact, in terms of accelerated outcomes, efficiencies and cost savings.

The adoption of all the TPT's developed online systems since the digital transformation began, culminating in FOAM, has allowed the organisation to regularly absorb and scale to the workload associated with the arrival of new traffic enforcement schemes – and the resulting appeals against penalties issued by the enforcement authority in question.

For example, the introduction of the new Dartford-Thurrock River Crossing scheme ('Dart Charge') in November 2014 brought a surge in appeals to the TPT, which the online system was able to accommodate. More recently, local authorities in England and Wales have been given civil enforcement powers for issuing penalties for littering from vehicles. Appeals relating to this enforcement were able to be enabled through the FOAM system with ease.

In 2019, Local authorities in England and Wales are having plans for Charging Clean Air Zones (CAZs) approved by the Department for Environment, Food & Rural Affairs (Defra), as part of its Clean Air Strategy to reduce levels of nitrogen dioxide in towns and cities. The workload associated with appeals against the road user charging enforcement of Charging CAZs is the next challenge on the horizon for TPT's systems and processes.

The increased workload, together with the efficiency of the online system and transformed TPT business processes, have inevitably brought about significant savings for local authorities and the TPT, in terms of operational costs. Feedback from local authorities has been extremely positive:

'The speed and ease of communication has enabled all parties to clarify and comment on all aspects of the case'

Cornwall County Council

'Reviewing of case is all in one place from start to finish; makes all the difference – instant messaging saves time in calls.'

Bristol City Council

'We now save 85% on postage and we no longer hold the record for most printing.'

Manchester City Council

Local authorities have pointed to an average saving per case of £150 when staff time, postage and printing is taken into account.

Recognition for the FOAM system

The TPT has received a number of awards for its FOAM system, including:

- North of England Transport Awards - Winner (Excellence in Technology) 2016
- British Parking Awards - Winner (Intelligent Parking Award) 2017
- SOCITM Collaboration Award 2017 (Shortlisted)
- National Transport Awards (Shortlisted) (Excellence in Technology) 2017

The Tribunal has also been recognised as being at the forefront of judicial digital transformation and has been referenced as a judicial digital case study in JUSTICE reports: 'What is a court?' (2016) and 'Preventing Digital Exclusion from Online Justice' (2018). The Traffic Penalty Tribunal's digital transformation was also recently presented as a world-class case study in simplified online judicial procedures at an International conference of High Court Judges in December 2018.

FOAM in Scotland

The Traffic Penalty Tribunal has always retained good communications with other similar jurisdictions, and the Chief Adjudicator has in recent years convened seminars for those involved in the Tribunals for Scotland, London and Northern Ireland. This has been an opportunity to demonstrate the impact that reviewing business processes, content and introducing an intuitive digital platform can have on the appeal process and user experience.

Earlier this year, the TPT's Local Authority Engagement Manager coordinated training for Parking and Bus Lane Tribunal for Scotland adjudicators and staff, together with local authorities in Scotland, for the implementation of FOAM, adapted to the local regulations.

TPT staff were on site when FOAM went live in Scotland, with Aberdeen; Angus; Argyll and Bute; Dundee; East Ayrshire; East Dumbartonshire; East Lothian; East Renfrewshire; Edinburgh; Fife; Glasgow; Highland; Inverclyde; Perth; Renfrewshire; South Ayrshire; South Lanarkshire and Stirling now responding to appeals, digitally. Initial feedback is that the Parking and Bus Lane Tribunal for Scotland process has been transformed.

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Date of Meeting: 16th July 2019
Report of: The Director on behalf of the PATROL and BLASJC Resources Working Group.
Subject/Title: Public Affairs Report

1.0 Report Summary

1.1 To provide an overview of Public Affairs Activity in 2018/19

2.0 Recommendations

2.1 To note the matters reported.

2.2 To request the Resources Working Group and Sub Committee to monitor this activity and report to the Executive Sub Committee meetings.

3.0 Reasons for Recommendations

3.1 To update the Joint Committees

4.0 Financial Implications

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

5.0 Legal Implications

5.1 None

6.0 Risk Management

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

7.0 Background and Options

7.1 A report is presented at Appendix A

8.0 Access to Information

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

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Designation: Director

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

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PATROL

Pavement parking

Local powers for
local solutions

About PATROL

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

The principal function of the Joint Committee is to make provision for independent adjudication in respect of appeals against penalties issued for traffic contraventions by enforcement and charging authorities in England (outside London) and Wales. Adjudication is delivered through the **Traffic Penalty Tribunal (TPT)**. TPT adjudicators are wholly independent lawyers, appointed with the consent of the Lord Chancellor, and are supported by a small team of administrative staff, who provide customer support. The TPT is the UK's first fully online tribunal and decides ~25,000 cases a year.

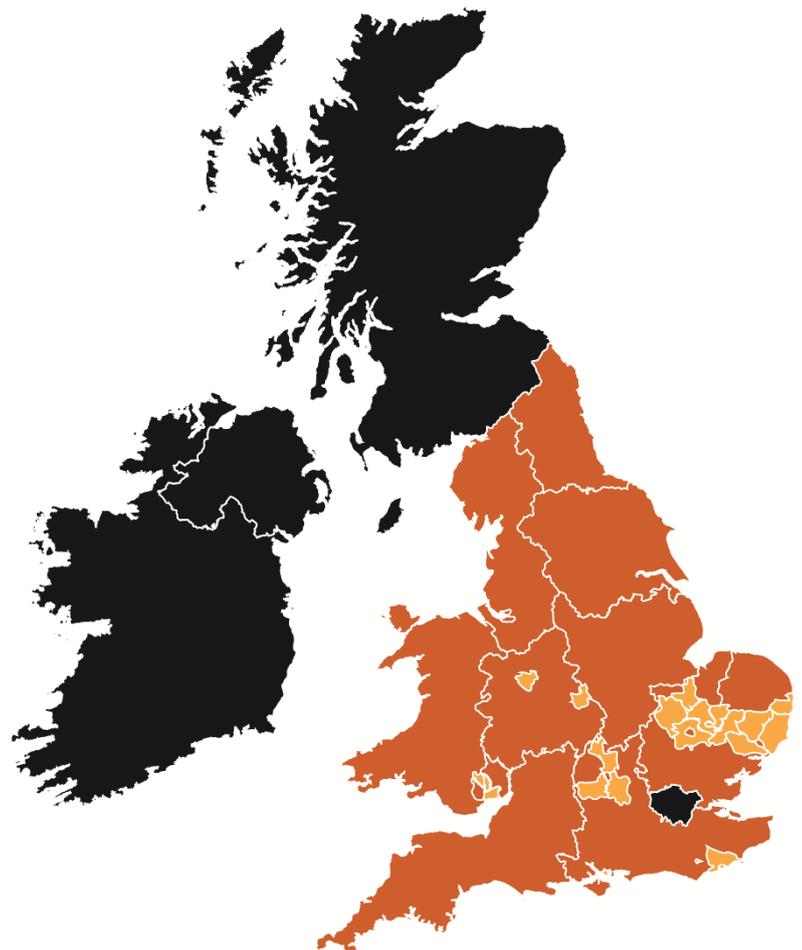
The Adjudicators decide appeals against civil enforcement penalties issued by authorities for parking, bus lane, littering from vehicles and (in Wales only) moving traffic contraventions, as well as appeals arising from road user charging enforcement (including from the Dartford-Thurrock River Crossing,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

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

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

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

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



Executive summary

The Department for Transport is gathering evidence on the problems posed by pavement parking, the effectiveness of current laws and the case for change.

Pavement parking poses several problems for local authorities.

- Inconsiderate parking creates potentially dangerous hazards for pedestrians, particularly those that are vulnerable, such as the elderly, disabled or families with pushchairs.
- Damage to paths and pavements is also hazardous and costly to repair.
- Members of the public refer cases of vehicles causing an obstruction and assume that local authorities can take enforcement action. Currently, this is a matter for the police rather than local authority.

A ban on pavement parking was introduced in London in 1974 and (as of April 2019) the Scottish Government has agreed in principle to implement a nationwide ban on pavement parking.

Authorities in England (outside London) and Wales, however, have only limited powers to enforce pavement parking, where:

- vehicles are parked in contravention of existing waiting restrictions;
- a designated area-wide ban is in place, based on Traffic Regulation Orders (TROs) and signage;
- the vehicle parked is a 'heavy commercial vehicle', with an operating weight of over 7.5 tonnes.

PATROL Pavement Parking Workshops: Consulting authorities in England and Wales

PATROL consulted its member authorities on the issue of pavement parking during a series of workshops in Autumn 2018. These workshops brought together 75 Councillors and Officers representing district, county and unitary authorities outside London, to explore the challenges of pavement parking and the powers that would help them manage it in a way that would respond to the particular needs of their communities.

The workshops confirmed that pavement parking remains an issue; however, the challenge differs from authority to authority, and a 'one-size-fits-all' approach, such as a nationwide pavement parking ban, could create additional challenges for communities; for example, where there is:

- a need for pavement parking on some roads, such as narrow residential streets
- high-cost and resource implications around implementing a blanket ban in areas where high levels of permitted pavement parking are required.

A readily available solution proposed by PATROL authorities would be to add obstruction of the highway to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004*.

This solution is expanded upon on Page 7.

Imposing a nationwide ban: Impact on authorities and their communities

A ban on pavement parking was introduced in London in 1974 – at a time of lower levels of car ownership, with alternative public transport options well established.

It is the clear view of PATROL's member authorities that a nationwide pavement parking ban would result in significant traffic management challenges for many local authorities and their communities. A number of practical concerns were raised by members during the course of the workshops, including:

- **Inflexibility**, in terms of the varying needs of local communities and their built environment, and the implications for disapplying the statutory instrument, should a nationwide ban not be appropriate in a specific locality. There will inevitably be some streets where there will be a range of views, implications of road layout and use factors that contribute to the debate about whether pavement parking should / could be banned or not;
- the **significant costs** associated with disapplying the statutory instrument to allow pavement parking within particular areas of a local community (inc. surveys, Traffic Regulation Orders and consultation);
- the **increased signage** that would accompany the introduction of such areas of permitted pavement parking.

These concerns are expanded upon further in a case study on the following page.

Instead, member authorities propose a more locally responsive approach, which would enable them to draw on a range of options to manage pavement parking in their communities. Under existing powers, this could include enforcing against vehicles parked in contravention of existing waiting restrictions and / or the current approach of introducing pavement parking bans within designated areas, based on TROs and signage.

Adding obstruction of the highway to the list of civil enforcement contraventions

The further solution proposed by PATROL authorities of adding obstruction of the highway to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004*, is a readily available and empowering option.

By using secondary legislation in this way, the Government could take immediate action on pavement parking, while considering the implications and feasibility of other approaches.

There are a number of actions that would be key to the success of the introduction of highway obstruction to the list of contraventions for which civil enforcement applies:

- Statutory Guidance on civil parking enforcement to reflect the additional power.
- Meaningful local consultation with stakeholders and local publicity ahead of changes to local enforcement policy.
- Public information to reinforce that inconsiderate pavement parking is not acceptable.
- The use of warning notices on the first occasion a vehicle is identified as causing an obstruction.

Estimating the cost of a nationwide pavement parking ban

One local authority in the North of England has estimated what it would need to do in preparation, if a nationwide pavement parking ban were to be introduced.

The authority has assumed the length of an average residential road to be 200 metres and estimated that the cost of signing and lining both sides of such a road, to indicate that pavement parking is permitted, would be £1,800.

There are a total of 3,700 individual roads across the authority. Assuming that only 10% were suitable for permitted footway parking, this would mean a total of 370 roads; which, taking the estimated signs and lines costs above would mean a total of approximately £666,000. This assumes that all the Traffic Regulation Orders (TROs) were introduced together and, therefore, associated legal costs were minimised. A piecemeal approach to this would add a further £400 per road, which would cost an additional £148,000. To put this in context, the annual budget for TROs in this authority is £75,000.



£666,000

Potential cost of introducing 'permitted' signs and lines, if implementing a complete pavement parking ban



A further challenge for the local authority will be deciding on which roads to allow footway parking. Each of the roads would need to be assessed by an Officer; plans produced; a report written; approval gained and an order placed for the works before, finally, they are checked on completion. The authority says that it currently has 1.5 Traffic Officers for this work. They are fully occupied, considering traffic queries and progressing TRO requests and have no spare capacity.

Working on the assumption that this work would involve a minimum of four hours per street x 370 streets; this would mean 1,480 hours' work. In reality, they anticipated that they would not just have to consider the roads they think will qualify, but many others that won't qualify.

It is predicted that once the public know that the authority is looking at this issue, it would generate queries, together with – as decisions are made on the streets to qualify for permitted pavement parking, or not – complaints, petitions, etc. This would also need to be managed. Managing a straightforward consultation would add approximately two hours' work per street: an additional 740 hours across all streets. In addition to the costs above, this authority has estimated that they would need an additional Officer for a minimum of two years to implement this change.

The authority has indicated that it does not have the funds for this.



**2,200 hours
(306 days)**

**For surveys, consultations,
customer relations, reporting
and managing street works**

An additional officer would take

2 years

to implement the changes



A timely solution:

Empowering authorities by adding obstruction as a civil enforcement contravention

PATROL authorities and the Traffic Penalty Tribunal adjudicators have been considering the feasibility and implications of adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004*.

Paragraph 4(1) provides:

“Parking contraventions outside Greater London

4(1)Outside Greater London there is a parking contravention in relation to a vehicle if it is stationary in circumstances in which any of the offences listed below is committed.”

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, offences under Regulation 103 of the *Road Vehicles (Construction and Use) Regulations 1986*, which prohibits unnecessary obstruction, could be added by a simple statutory instrument.

Statutory Guidance

It would be a matter for each authority to formulate and publish policies on the type of obstruction they propose to target in their area. The Secretary of State would issue Statutory Guidance under Section 87 of the *Traffic Management Act* concerning appropriate considerations and application of the additional power. The Guidance could address the types of obstruction that should typically be subject to civil enforcement, as well as recommend that a warning notice should be issued on the first occasion a vehicle is identified as causing an obstruction.



Local authorities' pavement parking policies to be sensitive to local problems

Local authority civil enforcement teams have more than enough experience to make a judgement as to what constitutes obstruction.

- Civil Enforcement Officers (CEOs) are already undertaking dropped kerb enforcement and have demonstrated that this can be done proportionately.
- Dealing with obstruction in car parks is commonplace.

Currently, obstruction attracts light-touch enforcement by the police. Each authority would need to publish its own policies and priorities for enforcement (e.g. certain streets, and examples of unsociable parking that create problems for other road users and people with disabilities). This would ensure that enforcement would not be perceived as arbitrary beyond the scope of the published policies.

With developments in technology, if a CEO is in doubt about whether a vehicle is obstructing, photos can instantly be sent to superiors for confirmation.

There would also need to be public information that this additional 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 posts.**

Consensus among PATROL member authorities

There was consensus among the pavement parking workshop attendees that adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies would be a quick solution to enable authorities outside London to take targeted action against pavement parking, thus reducing their reliance on police intervention.

By using secondary legislation, the Government could take immediate action on pavement parking, while considering the implications and feasibility of alternative approaches. In particular, the potential impact of a nationwide ban could be properly assessed, in terms of resources and sensitivity to local conditions.

That process requires the Department for Transport to consult relevant police authorities. Some PATROL members confirm that their police authorities will support civil enforcement of obstruction, which would be conveyed during the necessary consultation process.



**Councillor Jamie Macrae, Chair,
PATROL Adjudication Joint Committee**

Jamie has held the position of Chair of the PATROL Adjudication Joint Committee since 2013. An elected member of Cheshire East Council for over 20 years, Jamie has held cabinet portfolios in Cheshire for Strategic Transport, Strategic Housing, Planning, Economic Development and Regeneration.



Louise Hutchinson, Director, PATROL

Louise Hutchinson has been Director of PATROL since 2006, where she has led the organisation's provision for independent adjudication for appeals, as well as assisting public understanding of the objectives of civil enforcement and the appeals process.

Prior to joining PATROL, Louise was Director of a voluntary sector organisation, delivering services to people with disabilities, where public awareness and stakeholder engagement were just as essential.



**Caroline Sheppard OBE, Chief Adjudicator,
Traffic Penalty Tribunal**

Caroline has been Chief Adjudicator of the Tribunal since 1999. She has been instrumental in driving the user-centric approach that typifies the Tribunal's operations and she is a digital champion, taking a leading role in the development of the organisation's award-winning online appeals management system – a platform that has facilitated increased workload and accelerated outcomes, while significantly reducing costs.

Caroline was awarded an OBE in the summer of 2017 for services to motorists, having received a Lifetime Achievement Award from the parking industry earlier in the year.

Contact

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PATROL

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**Written evidence submitted by the PATROL
(Parking and Traffic Regulations Outside London)
Joint Committee in response to the
Transport Committee inquiry into
pavement parking**

Submitted by:

PATROL

PATROL (Parking and Traffic Regulations Outside London)

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1. Introduction to PATROL

1.1 The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises 313 local authorities that undertake civil parking enforcement in England (outside London) and Wales.

- 1.2 The principal function of the Joint Committee is to make provision for independent adjudication in respect of appeals against penalties issued for traffic contraventions by enforcement and charging authorities in England (outside London) and Wales. Adjudication is delivered through the **Traffic Penalty Tribunal (TPT)**. TPT adjudicators are wholly independent lawyers, appointed with the consent of the Lord Chancellor, and are supported by a small team of administrative staff, who provide customer support. The TPT is the UK's first fully online tribunal and decides ~25,000 cases a year.
- 1.3 The Adjudicators decide appeals against civil enforcement penalties issued by authorities for parking, bus lane, littering from vehicles and (in Wales only) moving traffic contraventions, as well as appeals arising from road user charging enforcement (including from the Dartford-Thurrock River Crossing, Mersey Gateway Bridge Crossings and the Durham Road User Charge Zone).
- 1.4 PATROL represents its member authorities on traffic management issues of mutual interest, whilst also taking into account the motorist's perspective – as seen through appeals to the TPT.
- 1.5 PATROL also promotes best practice in public information to increase understanding of traffic management objectives. This includes the annual PARC (Parking Annual Reports by Councils) Awards held at the House of Commons.
- 1.6 PATROL member authorities comprise each type of local authority and a spectrum of political allegiances – a representative voice on civil traffic enforcement outside London, through the sharing of issues, insight, evaluation and best practice from a broad and diverse geographic area.
- 1.7 Further information can be found at www.patrol-uk.info and www.trafficpenaltytribunal.gov.uk.

2. Executive summary

2.1 Pavement parking poses several problems for local authorities.

- Inconsiderate parking creates potentially dangerous hazards for pedestrians, particularly those that are vulnerable, such as the elderly, those with disabilities or families with pushchairs.
- Damage to paths and pavements is also hazardous and costly to repair.
- Members of the public refer cases of vehicles causing an obstruction and assume that local authorities can take enforcement action. Currently, this is a matter for the police, rather than local authority. This confusion makes swift and effective enforcement a challenge.

2.2 A ban on pavement parking was introduced in London in 1974 and (as of April 2019) the Scottish Government has agreed in principle to implement a nationwide ban on pavement parking.

2.3 Authorities in England (outside London) and Wales, however, have only limited powers to enforce pavement parking, where:

- vehicles are parked in contravention of existing waiting restrictions;
- a designated area-wide ban is in place, based on Traffic Regulation Orders (TROs) and signage;
- the vehicle parked is a 'heavy commercial vehicle', with an operating weight of over 7.5 tonnes.

2.4 Authorities are currently unable to respond to complaints about pavement parking that do not fall within these categories, instead they are referred to the police.

PATROL Pavement Parking Workshops: Consulting authorities outside London

2.5 To assist the Department for Transport in its information gathering exercise on pavement parking, PATROL consulted its member authorities on the issue during a series of workshops in Autumn 2018. These workshops brought together 75 Councillors and Officers, representing district, county and unitary authorities outside London, to explore the challenges of pavement parking and the powers that would help them manage the issue in a way that would respond to the particular needs of their communities.

2.6 The workshops confirmed that pavement parking remains an issue; however, the challenge differs from authority to authority, and a 'one-size-fits-all' approach, such as a nationwide pavement parking ban, could inadvertently create additional challenges for communities; for example, where there is:

- a need for pavement parking on some roads, such as narrow residential streets
- high-cost and resource implications around implementing a blanket ban in areas where high levels of permitted pavement parking are required.

2.7 Local authority areas outside London comprise a range of urban and rural settings, high- and low-density housing and differing challenges. PATROL member authorities would prefer to have a range of powers that they can draw upon locally to more effectively address the problem of pavement parking, rather than the introduction of a nationwide ban.

In effect, deploying local powers for local solutions.

2.8 A readily available solution proposed by PATROL authorities would be to add highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004*

2.9 By using secondary legislation in this way, the Government could take immediate action on pavement parking, while considering the implications and feasibility of other approaches.

2.10 In the meantime, this additional power would mean that local authorities could be proactive and respond effectively to complaints.

2.11 It would also reduce reliance on police intervention, at a time when availability is dependent upon priorities and resources. Police officer numbers have declined every year since 2010.

Source: [Home Office, Police Workforce, England and Wales, 31 March 2018. Statistical bulletin 11/18. 19 July 2018](#)

2.12 There are a number of actions that would be key to the success of the introduction of highway obstruction to the list of contraventions for which civil enforcement applies:

- Statutory Guidance on civil parking enforcement to reflect the additional power.
- Meaningful local consultation with stakeholders and local publicity ahead of changes to local enforcement policy.
- Public information to reinforce that inconsiderate pavement parking is not acceptable.
- The use of warning notices on the first occasion a vehicle is identified as causing an obstruction.

3. Comparing travel patterns inside and outside London

3.1 A ban on pavement parking was introduced in London in 1974 – at a time of lower levels of car ownership, with alternative and readily accessible public transport options well established. There are a number of significant differences between travel behaviour in London and the wider country:

1. **Car ownership** – the percentage of ‘car-less’ households in London (41%) is significantly higher than the national average (24%) – and more than double that of the East Midlands (19%), East of England (17%), the South East (16%) and South West (17%). London is the only region in England where car ownership is below one car per household (0.81).

Source: [Department for Transport Statistics: National Travel Survey Table NTS9902 – Household car ownership by region and Rural-Urban Classification: England 2002/03 to 2016/17](#)

2. **Fewer journeys** – London has the lowest percentage of commuter journeys completed by car (29%) of any region in England. This compares to 75% in the North West; North East; South West, and Yorkshire and the Humber. Fewer people rely on cars to get to and from work in London than anywhere else in the country, which could reduce the demand for parking.

Source: [Department for Transport Statistics – Modal Comparisons Table TSGB0108 Usual method of travel to work by region of residence, Great Britain: October to December 2017](#)

3. **Younger demographic** – A decline in car usage among young people has been observed recently, with only 37% of 17–29 year olds reported between 2010–14 as driving a car in a typical week, compared to 46% between 1995–99. Driving licensing among young people peaked in 1992–4, with 48% of 17–20 year olds and 75% of 21–29 year olds holding a driving licence. By 2014, driving licence holding had fallen to just 29% of 17–20 year olds and 63% of 21–29 year olds.

Source: [The Centre for Transport & Society, University of West England and Transport Studies Unit, University of Oxford: Young People’s Travel – What’s Changed and Why? Review and Analysis. January 2018](#) (Commissioned by Department for Transport)

This could suggest areas with older populations are more likely to make use of a vehicle on a weekly basis. London’s average age is just 34.6; while, for comparison, the average age in West Somerset is 53.9; in North Norfolk it is 52.7; in South Lakeland it is 49.9; in the East Riding of Yorkshire it is 47.6, and in Leicestershire it is 43.0.

Source: [Office for National Statistics: Median age for local authorities in the UK mid-2015](#)

4. The impact of a nationwide pavement parking ban outside London

- 4.1 It is the clear view of PATROL's member authorities that a nationwide pavement parking ban would result in significant traffic management challenges for many local authorities and their communities.
- 4.2 There are some circumstances where requiring vehicles parked partially on footways to instead park on the carriageway could cause more issues than it resolves; for example, the passage of emergency vehicles, buses and larger vehicles, together with any associated congestion and air quality issues. Furthermore, restrictions on parking in one area could have the effect of displacing problems elsewhere.
- 4.3 A number of practical concerns were raised by local authorities during the course of the PATROL Pavement Parking Workshops, including:
- **Inflexibility**, in terms of the varying needs of local communities and their built environment, and the implications for disapplying the statutory instrument, should a nationwide ban not be appropriate in a specific locality. There will inevitably be some streets where there will be a range of views, implications of road layout and use factors that contribute to the debate about whether pavement parking should / could be banned or not;
 - the **significant costs** associated with disapplying the statutory instrument to allow pavement parking within particular areas of a local community (inc. surveys, Traffic Regulation Orders [TROs] and consultation);
 - the **increased signage** that would accompany the introduction of such areas of permitted pavement parking.

One PATROL authority has estimated the potential cost of introducing 'permitted' signs and lines, if implementing a nationwide pavement parking ban, at £666,000. This would be accompanied by 306 working days for surveys, consultations, customer relations, reporting and management of street works, together with a further two years to implement the changes.

Further details can be found in a case study in Appendix 1 (Page 11).

- 4.4 Instead, member authorities propose a more locally responsive approach, which would enable them to draw on a range of options to manage pavement parking in their communities. Under existing powers, this could include enforcing against vehicles parked in contravention of existing waiting restrictions and / or the current approach of introducing pavement parking bans within designated areas, based on TROs and signage.

5. A timely solution – empowering authorities by adding obstruction as a civil enforcement contravention

- 5.1 PATROL authorities and the Traffic Penalty Tribunal adjudicators have been considering the feasibility and implications of adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004 (TMA)*.

Paragraph 4(1) provides:

“Parking contraventions outside Greater London

4(1)Outside Greater London there is a parking contravention in relation to a vehicle if it is stationary in circumstances in which any of the offences listed below is committed.”

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, offences under Regulation 103 of the *Road Vehicles (Construction and Use) Regulations 1986*, which prohibits unnecessary obstruction, could be added as a simple statutory instrument.

The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions

- 5.2 It would be a matter for each authority to formulate and publish policies on the type of obstruction they propose to target in their area. The Secretary of State would issue Statutory Guidance under Section 87 of the TMA concerning appropriate considerations and application of the additional power. The Guidance could address the types of obstruction that should typically be subject to civil enforcement, as well as recommend that a warning notice should be issued on the first occasion a vehicle is identified as causing an obstruction.

The Secretary of State’s Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions under the TMA can be found [here](#).

6. Local authorities' pavement parking policies to be sensitive to local problems

- 6.1 Local authority civil enforcement teams have more than enough experience to make a judgement as to what constitutes obstruction.
- Civil Enforcement Officers (CEOs) are already undertaking dropped kerb enforcement and have demonstrated that this can be done proportionately.
 - Dealing with obstruction in car parks is commonplace.
- 6.2 Currently, obstruction attracts light-touch enforcement by the police. Each authority would need to publish its own policies and priorities for enforcement (e.g. certain streets, and examples of unsociable parking that create problems for other road users and people with disabilities). This would ensure that enforcement would not be perceived as arbitrary beyond the scope of the published policies.
- 6.3 With developments in technology, if a CEO is in doubt about whether a vehicle is obstructing, photos can instantly be sent to superiors for confirmation.
- 6.4 There would also need to be public information that this additional power had been given to local authorities, together with illustrations of the type of parking that would attract a penalty for obstruction.
- 6.5 PATROL is prepared to coordinate public information across all its authorities; including, for example, the commissioning of a public information video for distribution on YouTube and other channels, together with a social media campaign.
- 6.6 The further solution proposed by PATROL authorities of adding obstruction of the highway to the list of contraventions for which civil enforcement applies (see previous page), contained in Part 1 of Schedule 7 of the *Traffic Management Act 2004*, is a readily available and empowering option.

7. Traffic Regulation Orders

- 7.1 Traffic Regulation Orders (TROs) – known as Traffic Management Orders (TMOs) in London – are made under the provisions of the *Road Traffic Regulation Act 1984* (RTRA). The process for making TROs / TMOs is set out in *The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996* (LATOR).
- 7.2 The RTRA has, for a long while, been out-of-date and the procedures in LATOR are cumbersome and require considerable expenditure on the part of the traffic authority. Neither are suitable legislation for responding to the challenges of regulating the use of the roads of the future.
- 7.3 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 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.
- 7.4 While any streamlining of traffic order processes is welcomed, PATROL authorities do not believe this alone is a sufficient or appropriate response to the issue of pavement parking experienced across all authorities.

8. Conclusions and recommendations

- 8.1 Local authorities outside London are looking for local powers for local solutions in the form of a range of enforcement powers, rather than a 'one-size-fits-all' nationwide ban on pavement parking.
- 8.2 There was consensus among the PATROL Pavement Parking Workshops' attendees that adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies would be a timely solution to enable authorities outside London to take targeted action against pavement parking, thus reducing their reliance on police intervention.
- 8.3 By using secondary legislation, the Government could take immediate action on pavement parking, while considering the implications and feasibility of alternative approaches. In particular, the potential impact of a nationwide ban could be properly assessed, in terms of resources and sensitivity to local conditions.
- 8.4 That process requires the Department for Transport to consult relevant police authorities. Some PATROL members confirm that their police authorities will support the civil enforcement of obstruction, which would be conveyed during the necessary consultation process.
- 8.5 Key to the success of adding highway obstruction to the list of contraventions for which civil enforcement applies would be:
 - Statutory Guidance on civil parking enforcement to reflect the additional power.
 - Meaningful local consultation with stakeholders and local publicity ahead of changes to local enforcement policy.
 - Public information to reinforce that inconsiderate pavement parking is not acceptable. PATROL is prepared to coordinate public information across all its authorities; including, for example, the commissioning of a public information video for distribution on YouTube and other channels, together with a social media campaign.
 - The use of warning notices on the first occasion a vehicle is identified as causing an obstruction.

Appendix 1

Case Study: Estimating what would need to be done locally if a nationwide pavement parking ban was introduced

The task will differ from authority to authority, depending on such factors as the scale of the road network; the balance of urban and rural areas; the density of development; historic town road layouts, etc.

This example is provided to set out the estimated implications, of both time and cost, of introducing permitted parking areas in a community, should a nationwide ban be introduced.

One local authority in the North of England has estimated what it would need to do in preparation, if a nationwide pavement parking ban were to be introduced.

The authority has assumed the length of an average residential road to be 200 metres and estimated that the cost of signing and lining both sides of such a road, to indicate that pavement parking is permitted, would be £1,800.

There are a total of 3,700 individual roads across the authority. Assuming that only 10% were suitable for permitted footway parking, this would mean a total of 370 roads; which, taking the estimated signs and lines costs above would mean a total of approximately £666,000.

This assumes that all the Traffic Regulation Orders (TROs) were introduced together and, therefore, associated legal costs were minimised. A piecemeal approach to this would add a further £400 per road, which would cost an additional £148,000. To put this in context, the annual budget for TROs in this authority is £75,000.

A further challenge for the local authority will be deciding on which roads to allow footway parking. Each of the roads would need to be assessed by an Officer; plans produced; a report written; approval gained and an order placed for the works before, finally, they are checked on completion. The authority says that it currently has 1.5 Traffic Officers for this work. They are fully occupied, considering traffic queries and progressing TRO requests and have no spare capacity.

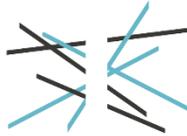
Working on the assumption that this work would involve a minimum of four hours per street x 370 streets; this would mean 1,480 hours' work. In reality, they anticipated that they would not just have to consider the roads they think will qualify, but many others that won't qualify.

It is predicted that once the public know that the authority is looking at this issue, queries would be generated, together with – as decisions are made on the streets to qualify for permitted pavement parking, or not – complaints, petitions, etc. This would also need to be managed. Managing a straightforward consultation would add approximately two hours' work per street: an additional 740 hours across all streets.

In addition to the costs above, this authority has estimated that they would need an additional Officer for a minimum of two years to implement this change.

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PATROL



**Traffic Penalty
Tribunal**
England and Wales

Joint response to Law Commission / Scottish Law Commission *Automated Vehicles: A joint preliminary consultation paper*

On behalf of its more than 300 member local authorities in England and Wales (outside London), the PATROL (Parking and Traffic Regulations Outside London) Joint Committee, together with the Traffic Penalty Tribunal, welcomes the opportunity to respond to the Law Commission's consultation on a number of individual points.

This response has been jointly prepared by:

- **Caroline Sheppard OBE, Traffic Penalty Tribunal**
- **Louise Hutchinson, Director, PATROL**

About PATROL

The PATROL (Parking and Traffic Regulations Outside London) Joint Committee comprises over 300 local authorities in England (outside London) and Wales. The principal statutory function of the Joint Committee is to make provision for independent adjudication in respect of parking and a range of traffic penalty charge notices issued by local authorities. This is delivered through the Traffic Penalty Tribunal.

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.

About the Traffic Penalty Tribunal

Established in 2000, the Traffic Penalty Tribunal (TPT) decides appeals against penalties issued for traffic contraventions by charging authorities in England (outside London) and Wales. This includes appeals against civil enforcement penalties issued by local authorities for parking, bus lane, littering from vehicles and (in Wales only) moving traffic contraventions, as well as appeals arising from road user charging enforcement.

The road user charging schemes for which the TPT sees appeals for include the: Dartford-Thurrock River Crossing ('Dart Charge'), where the charging authority is the Secretary of State for Transport; Mersey Gateway Crossing ('Merseyflow'), where the charging authority is Halton Borough Council, and Durham Road User Charge Zone, where the charging authority is Durham County Council. The road user charging appeals processes TPT has in place will form the basis for the forthcoming enforcement of Clean Air Zones from 2020.

The TPT comprises 30 part-time adjudicators (wholly independent lawyers whose appointments are subject to the consent of the Lord Chancellor) working remotely with the support of 14 administrative staff, who provide customer support and process appeals (~25,000 cases a year, arising from both civil and road user charging enforcement).

1. Civil enforcement and minor traffic contraventions

While the consultation deals with a number of elements of criminal liability, there is no reference to the now widespread civil enforcement of minor traffic contraventions by local authorities. The purpose behind civil enforcement is that the authorities which make the traffic regulations are now responsible for compliance and enforcement, so they are accountable for how their traffic schemes work on the ground.

Since the *Road Traffic Act 1991* (RTA), parking and minor traffic regulations have been subject to civil enforcement by local authorities. This started with parking, both on- an off-street, and was shortly followed by bus lane restrictions, then yellow boxes (in London, and Wales, but not for English local authorities outside London).

The *Traffic Management Act 2004* (TMA) repealed the RTA, applying civil enforcement by local authorities to a wider range of contraventions and simplifying the process, whereby local authorities adopted the civil enforcement powers. The full range of contraventions are contained in Schedule 7 of the TMA.

Notwithstanding that the TMA applied a common civil enforcement regime across a range of contraventions, the Government implemented the parking provisions in 2007. The TMA bus lane and moving traffic provisions have not been implemented for councils in England (outside London), but the Welsh government has implemented the full package in respect of parking, bus lanes and moving traffic Wales, as of 2013. Bus lane enforcement in England (outside London) takes place by means regulations issued under the *Transport Act 2000* (TA).

Recently, civil enforcement was introduced at the outset for failure to pay a road user charge under the TA, with *the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013*, i.e. this was not a criminal offence that became subject to civil enforcement. The Traffic Penalty Tribunal adjudicators are prescribed as the adjudicators for appeals.

London authorities have given themselves civil enforcement powers across a range of minor traffic and vehicle related offences / contraventions through various London Local Authority Acts.

In Scotland, parking and bus lane enforcement is subject to civil enforcement, where the RTA is still in force for parking and there are separate bus lane regulations.

More recently, the Department for Environment, Food & Rural Affairs (Defra) is promoting the legislation for clean air charging zones, whereby local authorities can create charging zones for high-emission vehicles. Defra has also made littering from vehicles subject to civil enforcement (although a pedestrian littering is still subject to a criminal sanction).

- While the clean air zone charges should not apply to the new automated – and likely to be, electric, vehicles – the increased pinning of liability to the owners of vehicles causing offence is an ongoing trend. This needs to be addresses in the Law Commission’s considerations.

Appendix 3

While the future holds innumerable possibilities for how autonomous vehicles are utilised – with the expectation that vehicle numbers on the road will be reduced, minimising the need for today’s type of parking provision – there will still be the transitional period dealing with paid and limited parking, as well the use of bus lanes, moving traffic restrictions (e.g. box junctions) and road-user charging schemes (e.g. bridges and tolls). Liability for both compliance and penal measures will remain for some years, whether it is attached to the owner of the vehicle, the driver or the ‘user-in-charge’.

There is also an assumption that the technology used in vehicles of the future will have payment or FinTech applications embedded within them, thereby creating entirely different transactional methods for payment of such charges that will still be required in the future. This should remove the need to issue penalties for non-payment.

The civil enforcement scheme is predicated on owner liability and follows a common process. Under the TMA and the TA, the vehicle owner is liable to pay any Penalty Charge Notices (PCNs) issued for a civil enforcement contravention, regardless of who was driving.

The owner is presumed to be the registered keeper, unless they prove otherwise. The local authority who issued the PCN will obtain the vehicle registered keeper’s data from the Driver and Vehicle Licensing Authority (DVLA) for the date the penalty was issued. There are exceptions for hired and leased vehicles.

The critical factors for local authorities are:

1. the ability to create and modify traffic regulations to be responsive to the new technology, as well as the behaviour change that will follow its implementation – rapid or slow.
2. the retention of transparent and fair enforcement tools, which directly relate to accountability for non-compliance.
3. the understanding of how the technology will develop, e.g. whether the automated vehicle ‘reads’ road signs, or is programmed to recognise restrictions and traffic instruction connected to digitised geospatial mapping. How these issues evolve and are resolved will have a significant impact on local authorities’ duties to sign traffic restrictions and directions.
4. the woeful inadequacy the current hire and lease agreement regulations, which barely meet the digital reforms about documents and signatures, in consideration of the increase in Mobilty-as-a-Service (MaaS) provision (also broadly known as Transport-as-a-Service [TaaS]). A Law Commission report addressed some of problems surrounding private hire vehicles. A fresh set of challenges emerge with TaaS schemes. There is an immediate need for revising the current legislation.

2. Traffic Regulation Orders.

Traffic Regulation Orders (TROs) – known as Traffic Management Orders (TMOs) in London – are made under the provisions of the *Road Traffic Regulation Act 1984* (RTRA). The process for making TROs / TMOs is set out in *The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996* (LATOR).

The RTRA has, for a long while, been out-of-date and the procedures in LATOR are cumbersome and require considerable expenditure on the part of the traffic authority. Neither are suitable legislation for responding to the challenges of regulating the use of the roads of the future.

PATROL's member authorities would welcome the initiative sparked by autonomous and connected vehicles to create new legislation, which would also give rise to invaluable efficiencies, as well as meeting the needs of all road users, whether in or out the vehicle.

The Traffic Penalty Tribunal hosts an online resource of 19,000 local TROs.

[PATROL can provide a full paper explaining the current processes, costs and time required to make a TRO under the RTRA and LATOR provisions, if required]

3. 'Digital Highway Code'

We note the reference in the consultation to the development of a 'digital highway code'. Since 1931, when the original *Highway Code* was published, much of the code has had to become subject to legislation.

Local authorities consider that they should have the tools and powers to support digital good practice where necessary; having flexible powers and procedures to meet changing opportunities and disrupting behaviour.

Geospatial mapping already enables 'road rules data' to be incorporated into 'digital TROs', but the process and drafting of the future must provide the flexibility for regular updates to take account of new development and infrastructure.

Ideally, the vehicle will recognise what can and cannot be done in a particular area of the road, achieving intuitive compliance.

4. DVLA

PATROL's member local authorities would welcome the changes needed to bring DVLA data up-to-date.

As well as the issues highlighted in the consultation, the DVLA should consider designing a different VRM format for automated and quasi-automated vehicles.

It would be sensible for the DVLA to design a separate format for truly automated vehicles, so they can be identified glance (there are, of course, obvious ANPR problems with 0 and O, 5 and S etc.).

Appendix 3

Owners of automated vehicles, whether fully autonomous or requiring a 'user-in-charge' should:

1. Provide a digital address for the service of notices. The current civil enforcement regulations require a Notice to Owner to be sent by first-class post. The new technology could ensure that any notices and communication with who is responsible for the vehicle could be sent more swiftly and via the convenience of digital channels.
2. Where applicable, nominate a 'user' on the registration, with their digital address.

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Date of Meeting: 16th July 2019

Report of: The Director

Subject/Title: Risk Management Framework

1. Report Summary

The report presents the current assessment of risk.

2. Recommendation

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

3. Reasons for Recommendations

To report on arrangements for identifying, managing and reporting risk

4. Financial Implications

None at this time

5. Legal Implications

None

6. Risk Management

Provides a framework for risk management.

7. Background and Options

The Risk Register is set out at Appendix 1

8. Access to Information

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

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Appendix 1

Risk Management Framework

1. Introduction

This report provides a summary of the most significant threats facing the Joint Committees which may prevent or assist with the achievement of its objectives. We are grateful to input from Cheshire East Council in reviewing our approach to managing and reporting risks and feedback from officers and members.

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

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

A strong risk framework:

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

2. Corporate Risks

The Joint Committee summarises its risk appetite as follow:

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

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

Risk Matrix

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

3. Background to Corporate Risks:

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

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

- Parking
- Bus Lanes
- Moving Traffic (Wales only)
- Road User Charging
- Littering from vehicles

The objectives of PATROL include:

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

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

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

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

The focus for the delivery of adjudication is:

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

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

4. Review

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

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

5. Corporate Risks

| Ref & Type | Risk Description (Including Cause, threat and impact upon outcomes) | Risk Owners | Rating and Direction | Comments |
|---------------|--|--|----------------------|--|
| CR1 | <p>Inability to meet demand for service (Cause) The tribunal provides a statutory function which is available to all vehicle owners who receive a Notice of Rejection of Representations in respect of specified penalties. (Threat) the tribunal is unable to meet its statutory obligations (impact) appellants are unable to appeal penalties</p> | Chief Adjudicator and Stakeholder Manager. | 4 ↔ | 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>Lack of Financial Resilience (Cause)The basis for defraying Joint Committee expenses is based on variable rather than fixed charges. This means that the Joint Committee must manage unforeseen significant fluctuations in either Income or Costs such that (threat) Reserves are significantly eroded and (impact) financial obligations cannot be met.</p> | Director and Central Services Manager | 9 ↔ | This rating remains at 9 as reported to the January 2019 meeting. 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>Loss of Data Integrity (Cause) The Tribunal operates an on-line appeal system to improve the quality and flexibility for tribunal users. Support systems are also underpinned by a range of technologies. With this deployment of technologies, the risk of security breaches increases. This could result in the inability of IT to support the needs of the organisation and users</p> | Director and Stakeholder Manager | 9 ↔ | This rating remains unchanged - medium. A range of security monitoring features, data management procedures and training are being reviewed/deployed in the light of the General Data Protection Regulations 2016 and Data Protection Act 2018. |

| | | | | |
|---------------|--|---|--------|--|
| | such that (threat) the statutory service is not accessible to all and (impact) appeals cannot be adjudicated online. Potential breach of General Data Protection Regulations 2016 and Data Protection Act 2018. | | | |
| CR4 Threat | Lack of Resource Planning (Cause) Insufficient adjudicator or staff resources to support the needs of the organisation such that (threat) the organisation is unable to meet its statutory obligations and (impact) the quality or timeliness of the adjudication process, administrative standards or the achievement of development objectives compromised | Chief Adjudicator & Director | 6 ↔ | This rating remains unchanged - medium. Continued monitoring of workload and capacity, training and appraisals combined with documentation of processes and procedures and the delegations to the Resources Sub Committee act to mitigate this risk. |
| CR5 Threat | Lack of preparation for business continuity (Cause) that an internal or external incident occurs which renders the organisation unable to utilise part or all of its infrastructure such that (impact) the organisation is unable to deliver some or all of its services resulting in (impact) reduced accessibility to our service. | Central Services Manager & Stakeholder Engagement Manager | 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 |

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

Date of Meeting: 16th July 2019
Report of: The Director on behalf of the Resources Working Group and Sub Committee
Subject/Title: Review of Governance Documentation

1.0 Report Summary

1.1 This report presents governance documentation and arrangements for review.

2.0 Recommendations

2.1 That the Joint Committees:

- i) Notes the update in relation to the review of the Main Agreements.
- ii) Note the Schemes of Delegation to the Chief Adjudicator and Director (Appendix 1 and 2) which remain unchanged.
- iii) Approves the updated Memorandum of Understanding between the Adjudicators and the Joint Committee (Appendix 3 – see Section 4).
- iv) Appoints persons to fulfil the function of the proper officer under the relevant regulations
- v) Notes the proposed cycle of meetings for 2019/20

29th October 2019 Executive Sub Committee
 28th January 2020 Executive Sub Committee
 14th July 2020 Annual Joint Committee

3.0 Reasons for Recommendations

3.1 To fulfil the governance requirements of the Joint Committee.

4.0 Financial Implications

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

5.0 Legal Implications

5.1 Set out in the report.

6.0 Risk Management

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

7.0 Background and Options

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

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

7.3 Schedule 6 of the agreement makes reference to the development of a non-binding service level agreement (SLA) between the Joint Committee and the Lead Authority. An SLA to cover the second term (2018 to 2023) has been entered into with Cheshire East Council (CEC). This has enabled CEC to enter into a new lease for the premises at Springfield House.

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

7.5 The Memorandum of Understanding (Appendix 3) between the Adjudicators and the Joint Committees is presented. This document has been updated (at section 4.2) to provide for Littering from Vehicles appeals.

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

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Appendix 1

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

Delegation to Chief Adjudicator

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

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Appendix 2

PATROL and BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

Delegations to the Director

Introduction

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

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

“Lead Authority” means Cheshire East Council.

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

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

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

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

1. General

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

2. Financial

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

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

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

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

3. Land and Property

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

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

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

4. Miscellaneous

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

5. Human Resources

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

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

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

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

6. Support to the Joint Committee and Advisory Board

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

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

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

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

7. **Legal**

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

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MEMORANDUM OF UNDERSTANDING

between

Adjudicators of the Traffic Penalty Tribunal

and

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

November 2012

Reviewed and approved at Joint Committee June 2014

Reviewed and approved at Joint Committee June 2015

Reviewed and approved at Joint Committee July 2016

Reviewed and approved at Joint Committee July 2017

Reviewed and approved at Joint Committee July 2018

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MEMORANDUM OF UNDERSTANDING

1. Introduction

This Memorandum of Understanding (MOU) is between:

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

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

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

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

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

2. Shared Aims

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

3. Overriding Principles

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

4. The Statutory Framework

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

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

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

- a) section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
- b) section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);

c) The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 [S.I. 2013 No. 1783]

d) The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) (Amendment) Regulations 2014 [S.I. 2014 No. 81]

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

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

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

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

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

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

4.5. The functions of PATROL and BLASJC are:

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

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

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

The Joint Committees’ functions also include:

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

4.3 The Regulations also provide that:

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

5. Chief Adjudicator

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

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

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

It is also for the Chief Adjudicator:

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

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

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

6. Salaried Adjudicators

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

7. Judicial Leadership, Management and Discipline Functions

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

8. Removal of Adjudicators

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

9. Appeals and Judicial Matters

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

10. Lead Officer

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

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

11. Accommodation, administrative staff and facilities

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

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

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

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

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

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

12. Defraying the expenses of the Tribunal

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

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

13. Advisory Board

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

14. Lead/Host Authority

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

15. Review Mechanism

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

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

Appendix 1

CHIEF ADJUDICATOR ROLE

Introduction

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

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

Appendix 2

DEPUTY CHIEF ADJUDICATOR ROLE

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

Appendix 3

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

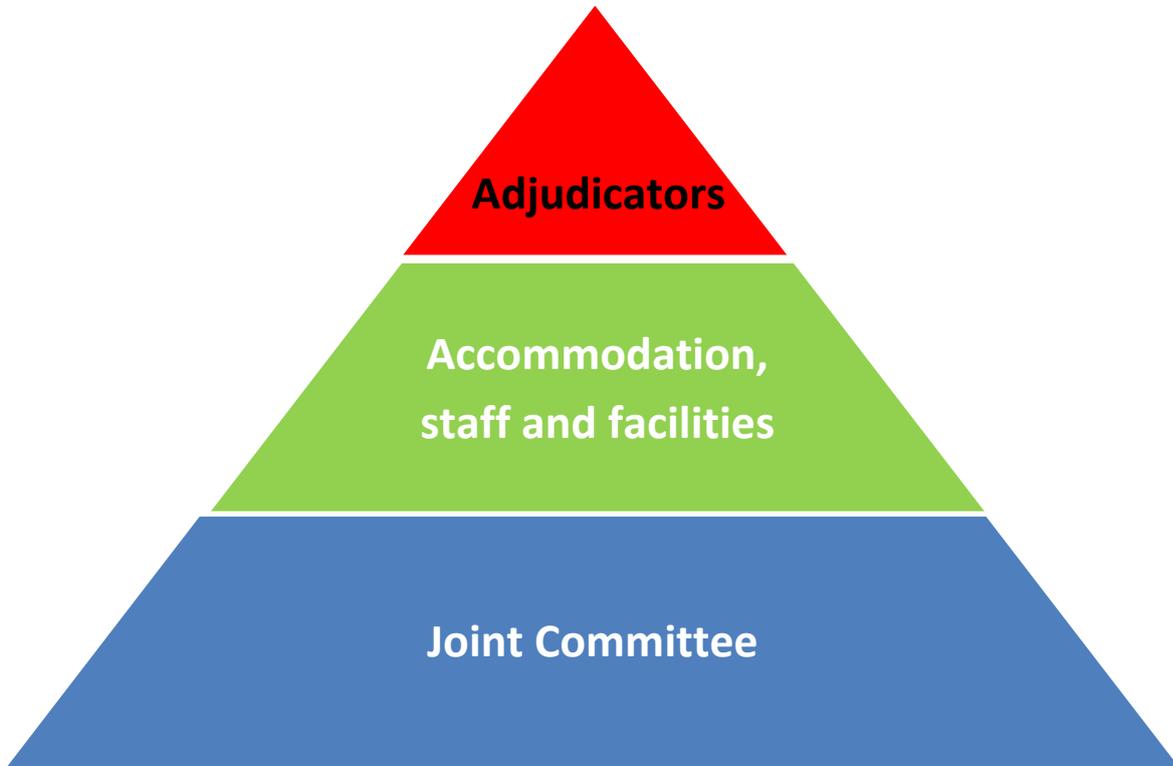


Fig 1. Provision of Services to Adjudicators

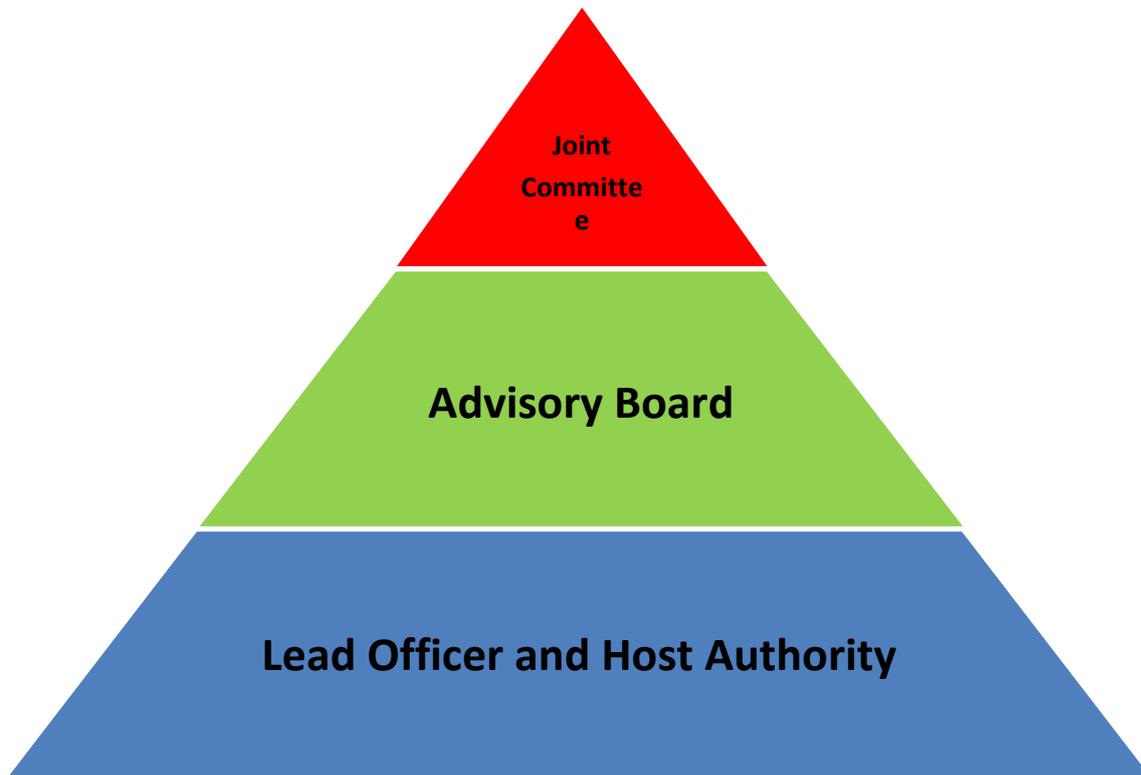


Fig 2. Governance Structure

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

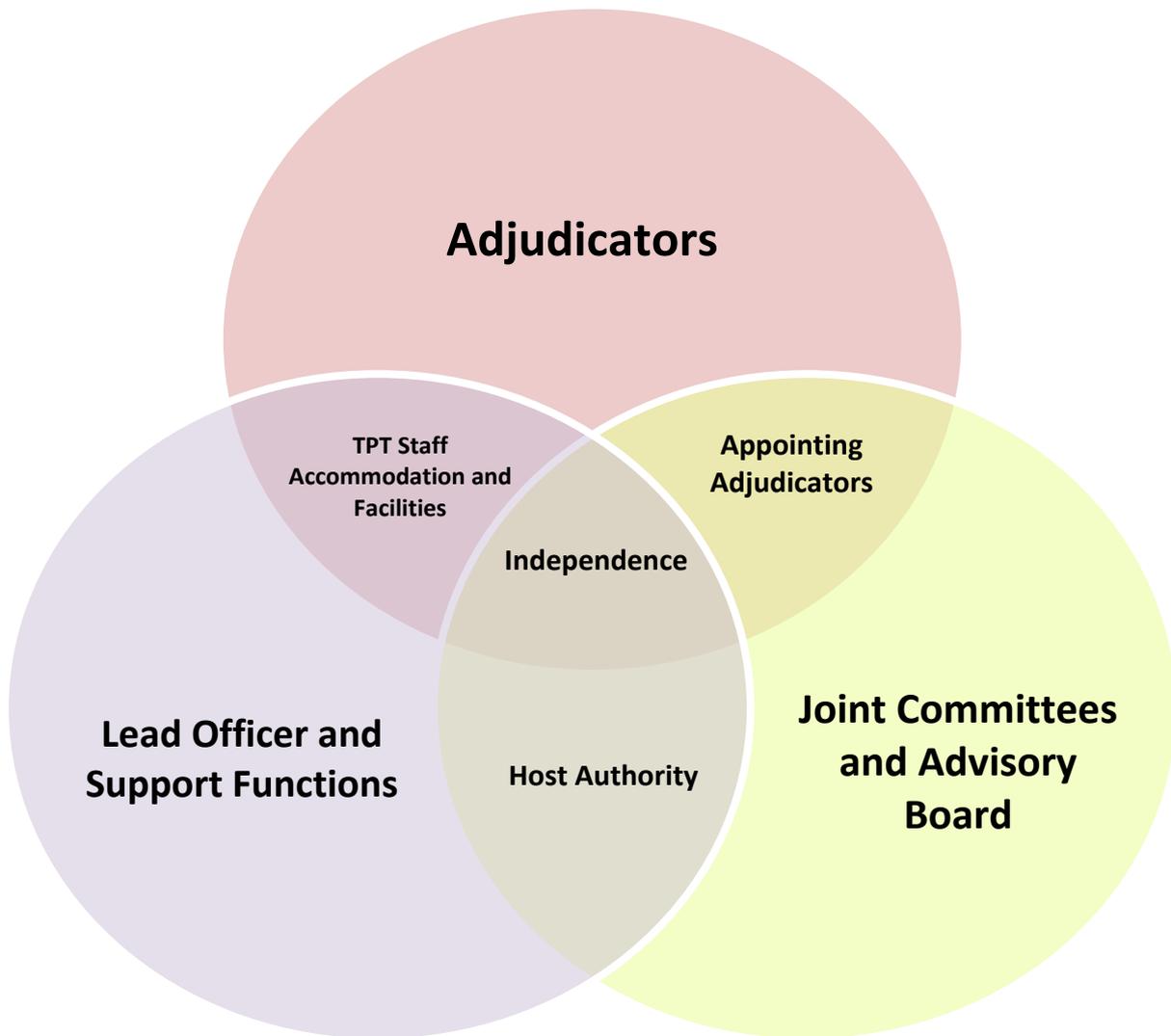


Fig 3. Overview of Joint Committee Relationships

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PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

Date of Meeting: 16th July 2019

Report of: The Director on behalf of the Advisory Board

Subject/Title: Appointments to the Advisory Board

1.0 Report Summary

1.1 This report sets out the terms of reference for the Advisory Board and recommendations for appointments for 2019/20

2.0 Recommendation

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

2.2 Approve the re-nomination of

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

for a period of four years to July 2023.

3.0 Reasons for Recommendations

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

4.0 Financial Implications

4.1 The budget makes provision for the Advisory Board

5.0 Legal Implications

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

6.0 Risk Management

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

7.0 Background and Options

- 7.1 The Standing Orders provide for the Joint Committee to establish and appoint an Advisory Board comprising the Lead Officer and other such officers and persons appointed by the Joint Committee to advise it on its functions.
- 7.2 The attached Terms of Reference enable an effective and efficient arrangement for matters relating to the PATROLAJC and the Bus Lane Adjudication Service Joint Committee BLASJC
- 7.3 At the meetings held in July 2018 the Joint Committee made appointments for the period ending at the next annual meeting, these are detailed in the attached document.
- 7.4 At the meeting held in October 2013, the Joint Committee determined to appoint a representative from the Department for Transport in respect of road user charging enforcement.
- 7.5 The Joint Committee is invited to adopt the terms of reference and make the appointments recommended in the appendix to this report.

8.0 Access to Information

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

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Appendix 1

**PATROL ADJUDICATION SERVICE
& BUS LANE ADJUDICATION SERVICE
ADVISORY BOARD**

Terms of Reference

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

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

2. The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.
3. To receive and monitor progress against the Performance Management Strategy produced by the Director and to review the service structure, organisation and administration and to scrutinise recommendations for changes before they are put before the Joint Committees.
4. To monitor and review the service revenue budgets and to scrutinise recommendations for changes before they are put before the Joint Committees.
5. To assist and advise the Director on the preparation of an annual service plan
6. The Board shall consist of always the Lead Officer plus up to eleven people:
 - Seven representatives of local authorities as follows:

- At least one representing an English Authority
 - At least one representing a Welsh Authority
 - At least one representing a District Council
 - At least one representing a County Council
 - At least one representing a Unitary or Metropolitan Council
 - At least one representing a Civil Bus Lane Enforcement Council.
- A representative from the Department for Transport (road user charging).
- A representative from a motoring association.
- An independent person with knowledge of judicial or tribunal systems.
- An independent consumer representative

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

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

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

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

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

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

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

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

Appointments and four-year cycle

Local Authority Members

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

July 2019

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

July 2020

| | | |
|------------------------------|-----------------|-------------------|
| Carmarthenshire Council | Stephen Piliner | Welsh Authority |
| Brighton & Hove City Council | Paul Nicholls | Unitary Authority |

July 2021

| | | |
|------------------------|----------------|--------------------|
| City of Stoke on Trent | Michael Clarke | Bus Lane Authority |
|------------------------|----------------|--------------------|

July 2022

| | | |
|-----------|--------------|---------------|
| Hampshire | Marc Samways | English Shire |
|-----------|--------------|---------------|

Welsh Government Member

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

Department for Transport Member

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

Independent Member

The Joint Committee has appointed Graham Addicott OBE, as the independent member for a four-year period ending July 2021.

Motoring Organisation Member

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

Bus Lane Member

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

Recommendations

The below named are re-appointed for a four-year period to July 2023

Cheshire East Council
South Lakeland Council
Calderdale Council

George Broughton
Pat Knowles
Ian Hughes

Lead Authority
English District
Metropolitan Authority

PATROL ADJUDICATION JOINT COMMITTEE

Date of Meeting: 16th July 2019
Report of: The Director
Subject/Title: PARC (PATROL Annual Reports by Councils) Awards

1.0 Report Summary

- 1.1 To update the Joint Committee on the PARC (PATROL Annual Reports by Councils) Awards 2017/18 and to confirm the arrangements for submissions for the 2018/19 award.

2.0 Recommendation

- 2.1 To note the shortlisted reports and arrangements for announcing winning councils for 2017/18.
- 2.2 To note the arrangements for 2018/19 submissions.

3.0 Reasons for Recommendations

- 3.1 To update the Joint Committee and raise awareness of the importance of annual reports to enable local authorities to promote understanding of local civil enforcement.

4.0 Financial Implications

- 4.1 Within agreed budget.

5.0 Legal Implications

- 5.1 The Local Government Transparency Code 2015 requires certain information relating to parking provision and enforcement to be published. Extensions to reporting requirements have been the subject of a recent Department for Communities and Local Government consultation and the response to this is awaited. The Secretary of State's Statutory Guidance expects local authorities to produce annual reports.

6.0 Risk Management

- 6.1 None

7.0 Background and Options

- 7.1 PATROL introduced the PATROL Annual Report Award to coincide with the implementation of the Traffic Management in 2008. The aim was to raise public awareness and understanding of the objectives of civil parking enforcement in the context of local traffic management and parking services.
- 7.2 The importance of transparency through the production of annual reports and accounts was a central recommendation of the Transport Select Committee enquiry into Local Authority Parking Enforcement in 2013, to which the Chief Adjudicator and Director gave evidence.
- 7.3 PATROL surveyed a sample of local authority officers and members and a key finding was that a toolkit or template would assist them in producing their report and would also lead to a more consistent approach in the reporting of service and enforcement statistics together with financial information.
- 7.4 In 2018, as part of the Authority Engagement Workshops, we explored the possibility of engaging stakeholders through a digital representation of the Parking Annual Report.
- 7.5 Councils shortlisted for the PARC (Parking Annual Reports by Councils) Awards for 2017/18 include:
- [Brighton & Hove City Council](#)
 - [Cheshire East Council](#)
 - [Devon County Council](#)
 - [Durham County Council](#)
 - [Newcastle City Council](#)
 - [North Essex Parking Partnership](#)
 - [Sedgemoor District Council](#)
 - [South Lakeland District Council](#)
 - [Sunderland City Council](#)

7.6 The 2017/18 awards will also recognise councils that have demonstrated best practice reporting on:

- Innovation and new services
- Customer service
- Presentation of finance and statistics
- Outstanding digital format

7.7 All Parking Annual Reports will be published on the PATROL website.

7.8 Huw Merriman MP for Bexhill and Battle has once again kindly agreed to host a reception at the House of Commons on 16th July 2019 to recognise the shortlisted councils for 2017/18 and announce the winners

7.9 The PARC toolkit for local authorities will be updated and produced in digital format. Annual reports will be discussed at local authority user groups hosted by the Stakeholder Engagement Manager in September 2019. Additionally, local authorities will be encouraged to adopt an integrated approach to reporting e.g. parking, bus lanes and air quality (where appropriate)

7.10 The deadline for submissions to the PARC (Parking Annual Report by Councils) Award 2018/19 is **Friday 31st January 2020** with the shortlist being announced in **May 2020**.

8.0 Recommendation

8.1 To note the shortlist for 2017/18 awards

8.2 To note the arrangements for 2018/19 submissions

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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Email: lhutchinson@patrol-uk.info

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