

**PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee**

Agenda

Date: Tuesday 25th January 2022
Time: 10.00 am
Venue: The Park Plaza, County Hall, London

- 1. Apologies for Absence**
To receive apologies for absence.
- 2. Declarations of Interest**
To provide an opportunity for Members and Officers to declare any pecuniary and non-pecuniary interests and for Members to declare if they have pre- determined any item on the agenda.
- 3. Minutes of the meeting held 26th October 2021**
To approve the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held 26th October 2021 (**enclosed pages 3 -13**)
- 4. Chair's Update (verbal)**
To note the last formal committee meeting and retirement of Caroline Sheppard OBE and to provide an update on developments since the meeting in October 2021
- 5. Chief Adjudicator's Update (verbal)**
To receive an update from the Chief Adjudicator
- 6. Wales Update**
To receive a report on civil traffic enforcement in Wales (**enclosed pages 14 -15**)
- 7. Budget Monitoring 2021/22**
To note income, expenditure and reserves at 31st November 2021 together with the projected outturn at 31st March 2022 (**enclosed pages 16 - 18**)
- 8. Revenue Budget for 2022/23**
To establish the Joint Committee's Revenue Budget for 2022/2023 (**enclosed pages 19 - 24**)
- 9. Reserves Policy Statement**
To approve the reserves policy statement for 2022/2023 (**enclosed pages 25 - 29**)

10. Defraying the expenses of the Joint Committee 2021/22

To approve the basis for defraying the expenses of the Joint Committee 2022/2023 (enclosed pages 30 - 32)

Items common to PATROL and Bus Lane Adjudication Service Joint Committee

11. Delayed Decisions Report

To report on progress that has been made on issuing decisions against delayed decisions since the meeting of 26th October 2021 (enclosed pages 33 - 34)

12. PATROL AND BLASJC Resources Working Group and Sub Committee

To report on the PATROL and BLASJC Resources Working Group meeting held on 16th December 2020 (enclosed pages 35 - 36)

13. Risk Management Framework

To note the latest review of the Risk Register (enclosed pages 37 - 41)

14. Annual Investment Strategy

To approve the annual investment strategy 2022/2023 (enclosed pages 42 - 43)

15. Appointment of External Auditor

To approve the appointment of External Auditors for the periods 2021/22 to 2023/24 (enclosed pages 44 - 45)

16. Traffic Penalty Tribunal General Progress Report (enclosed pages 46 - 57)

To provide information in respect of the Traffic Penalty Tribunal's activities and initiatives (enclosed) and to note the response to a recent MOJ consultation on dispute resolution (enclosed as an appendix to this report pages 58 - 77).

17. Public Affairs Overview

To note the update in relation to a range of public affairs matters (enclosed pages 78 - 84).

18. Date of Next Meeting:

12th July 2022 Park Plaza, County Hall, London (TBC) followed by the PACER Awards at the House of Commons (TBC)

Minutes of a meeting of the

PATROL Adjudication Joint Committee

held on 26 October 2021 at The Park Plaza County Hall, London, SE1 7RY

PRESENT

Councillor Stuart Hughes (Devon County Council) in the Chair

Jo Abbot - Advisory Board

Sarah Baxter - Cheshire East Council

Andy Diamond - PATROL

Laura Padden - Director of PATROL

Marc Samways – Hampshire County Council/Advisory Board

Caroline Sheppard OBE - Traffic Penalty Tribunal

Iain Worrall - Traffic Penalty Tribunal

19 APPOINTMENT OF CHAIR, VICE CHAIR, ASSISTANT VICE CHAIR AND ASSISTANT CHAIR (WALES)

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

RESOLVED

That the approval be given to the following appointments:

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

20 APOLOGIES FOR ABSENCE

Apologies for absence were reported as follows:-

BATHNES
Blackpool Council
Bolton Council

Bradford Council
Brighton & Hove
Bristol CC
Calderdale Council
Carmarthenshire CC
Charnwood BC
Chichester DC
Coventry CC
Dudley MBC
Durham CC
Exeter CC
Hambleton DC
Havant BC
Hertfordshire CC
Isle of Wight Council
Knowsley MBC
Nottingham City Council
Newport CC
Oldham Council
Sevenoaks DC
Stratford DC
Stoke CC
Sunderland CC
Swansea City & County
Tameside MBC
Walsall MBC
Wigan MBC
Wirrall Council
York CC

In addition apologies were received from Graham Addicott OBE, George Broughton, Stephen Knapp, Paul Nicholls and Richard Waters.

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

22 MATTERS DEFERRED FOR DECISION FROM JULY'S INQUORATE MEETING

a. Minutes of the meeting held on 16 July 2021

RESOLVED

That the minutes of the PATROL Adjudication Joint Committee held on 16 July 2019 be approved as a correct record.

b. Minutes of the meeting held on 28 July 2021

RESOLVED

That the minutes of the PATROL Adjudication and Bus Lane Adjudication Service Joint Committees' Resources Sub Committee meeting held on 28 July 2020 be noted.

c. Minutes of the meeting held on 26 January 2021

RESOLVED

That the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held on 26 January 2021 be noted.

d. Decisions taken under Urgency Provisions

i. Draft Annual Return 202/21 and financial policies

ii. Response to legal correspondence in relation to delayed appeal decisions

In response to the second point the Chair advised that the report provided details of legal correspondence he had received which related to delayed appeals for the Mersey Gateway Board and Halton Borough Council. After liaising with the Director, a response was sent stating that every effort would be made to make progress on the outstanding backlog ahead of this meeting. The Chief Adjudicator had explained to the Chair the delay and had provided update on the outstanding cases in order to allow a further update to be sent to the lawyers acting on behalf of the Mersey Gateway Crossings Board and Halton Borough Council. A decision was expected on the 2 November 2021.

RESOLVED

That the urgent decisions taken by the Chair be noted.

23 MINUTES OF THE INFORMAL MEETING HELD ON 13 JULY 2021

RESOLVED

That the minutes of the **informal** PATROL Adjudication Joint Committee held on 13 July 2021 be approved.

24 CHAIR'S UPDATE

The Chair welcomed Members and Officers and thanked to those who had travelled to London to join in person.

He advised PATROL fulfilled a statutory duty to make provision for independent adjudication for appeals against parking and other traffic penalties issued by local authorities and charging authorities in England (outside London) and Wales.

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

During 2020/2021, PATROL and the Tribunal had overcome unprecedented challenges throughout the course of the coronavirus pandemic – some of which had directly impacted committee business. Attendance at the annual meeting in July was so low, business could not proceed as normal, so much of it was deferred to today's meeting.

The last year had also brought about a shift to homeworking for Tribunal and PATROL staff, which had led to the realisation of further savings by the move to a smaller 'hub' office premises. Penalty Charge Notice issue rates had dropped significantly due to pandemic-related factors, such as multiple lockdowns and Government guidance to work from home; however, the committees' reserves, combined with efficiency savings, ensured that PATROL and the Tribunal had been able to continue to function without a significant impact. This was a credit to all involved and a testament to the flexibility of the Tribunal's online appeal system, as well as its 'digital first' approach and processes. The latest information from local authorities showed that enforcement was now starting to return to pre-pandemic levels.

PATROL had continued to keep Members and Officers abreast of matters of interest through regular bulletins and regional local authority workshops.

This year had seen the introduction of Clean Air Zones throughout England – a new type of road user charging enforcement that seeks to improve air quality in the most congested city centre areas. With schemes currently live in Bath and Birmingham – and numerous further zones planned for launch in 2021/2022, including in Portsmouth at the end of November – PATROL had been working closely with the authorities involved to assess the impact on appeals to the Tribunal and to understand how these schemes are achieving their desired aims. The Adjudicators expected to issue a report relating to Clean Air Zone appeals soon and PATROL would be hearing from the Chief Adjudicator, Caroline Sheppard OBE, later on appeals to the Traffic Penalty Tribunal, the impact of the pandemic on appeals and the progression of this new appeal stream.

The Chair advised that Caroline would be retiring as Chief Adjudicator from March 2022, having been in the role since 1999. A reformer by nature, her long

and illustrious career had been characterised by the understanding that adjudication was not a standalone exercise, but a barometer to assess the effectiveness, impact or proportionality of civil enforcement. The observations and outcomes of appeals becoming the building blocks for driving change. Consequently, Caroline had led the conversation on parking and traffic enforcement and appeals over the last three decades, while being at the forefront of how the operating landscape has been shaped.

At the centre of Caroline's successful leadership of the Tribunal had been the development of the TPT's award-winning, end-to-end online appeals management system and associated 'digital-first' internal processes. This innovation had facilitated increased workloads and accelerated outcomes, transforming the accessibility, transparency and velocity of the appeals experience for all users, while significantly reducing costs for the TPT and respondent authorities.

On behalf of all the members of PATROL, the Chair thanked Caroline for her diligence and hard work. She had been a true inspiration as well as an innovator of online dispute resolution and a true digital champion.

In addition the Chair reported on increasing reports of wider electric vehicle adoption over the last year. Details of a recent government report would be shared in a PATROL newsletter in the coming weeks and – following feedback from Committee Members – PATROL would be hosting an electric vehicles workshop on 2 November (via Microsoft Teams) to explore new and emerging issues. Members and Officers could sign-up online or by contacting Iain Worrall, Stakeholder Engagement and Systems Manager.

PATROL had also been actively involved in working with the Welsh Government on its planned introduction of pavement parking powers to Welsh local authorities and with the Department for Transport in the planning stages of introducing moving traffic enforcement powers throughout England from December this year. The outcome of the DfT's own consultation into pavement parking enforcement in England (outside London) was still awaited, and Councillor Page would shortly be updating Members on the planned introduction of moving traffic powers to authorities in England (outside London).

Finally, the PATROL Promoting Awareness of Civil Enforcement through Reporting – or, PACER – Awards was held at the House of Commons yesterday afternoon and a further update would be provided later on in the meeting.

RESOLVED

That the Chair's update be noted.

25 CHIEF ADJUDICATOR'S UPDATE

Caroline Sheppard, OBE attended the meeting and gave an update in respect of appeals confirming over 80% of appeals had been closed within 28 days. The flexibility of the system had enabled the appeals process to continue

successfully. The messaging facility within the online system had been widely used which had meant cases could be closed quite quickly. An update was made in respect of Clean Air Zones whereby fines had to be paid to central government and there had been incidents with the government website going down so whilst the local authority had issued the fine payment was taken by government. In Birmingham over 800 appeals had been submitted. Bath who was one of the first authorities to introduce Clean Air Zones were commended for taking the initiative forward so early on. Finally, she reported that one advantage of lockdown meant that the public were more trained in using modern communications eg Facetime, zoom and so forth. Prior to lockdown uptake of using video technology had been slow, however after lockdown the public were more technologically aware with over 65% of appellants using video technology.

A number of questions were asked in respect of home working and whether or not productivity had increased as a result of the changes in working arrangements.

RESOLVED

That the Chief Adjudicator's Update be noted.

26 WALES UPDATE

The Director of PATROL gave a verbal update in respect of Civil Parking Enforcement (CPE), Moving Traffic Enforcement, Paving Parking and Clean Air Zones.

RESOLVED

That the update be noted.

27 AUDIT COMMISSION SMALL BODIES ANNUAL RETURN FOR THE YEAR ENDED 31 MARCH 2021

Consideration was given to the Audit Commission Small Bodies Annual Return for the Year Ended 31 March 2021.

RESOLVED

That the findings of the external audit for 2020/2021 in the enclosed annual return (Appendix 1) be noted.

28 BUDGET MONITORING-REVIEW OF RESERVES AND BASIS FOR DEFRAYING EXPENSES

Consideration was given to a report on the review of income and expenditure, cost allocation, reserves and the basis for defraying expenses 2021/22. Members commented that there should be no change to charges and welcomed the fact that the deficit was so much lower than had been anticipated.

RESOLVED

That the income and expenditure position at 31 July 2021 against the budget and the resulting basis for defraying expenses approved for the year 2021/22 at the meeting of the Executive Sub Committee held on 26 January 2021 be noted.

Items common to PATROL and Bus Lane Adjudication Service Joint Committees

29 ESTABLISHMENT OF THE EXECUTIVE SUB COMMITTEE

Consideration was given to a report setting out the arrangements for each Joint Committee to establish an Executive Sub-Committee, and its Terms of Reference for the coming year.

RESOLVED

1. That each Joint Committees establishes an Executive Sub-Committee to act on behalf of the Committee until the annual meeting in July 2022, in accordance with paragraph 2 and Appendix 1 to this report, and that it appoints members of the Executive Sub-Committee for the forthcoming year.

2. That it be noted the first meeting of the Executive Sub Committees had been held on 14 October 2021 in London.

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

30 REPORT OF THE PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE

The Committee considered the report of the PATROL and BLASJC Working Group meetings held since the Executive Sub Committee meeting held in January 2021.

RESOLVED

1. That the matters discussed at the meetings since the Executive Sub Committee in January 2021 be noted.

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

31 GENERAL PROGRESS REPORT

Consideration was given to the General Progress report for the period 1 April-31 August 2021.

Questions and comments were asked in respect of the following:-

- School street schemes and their validity;
- Proposals to grant moving traffic powers to authorities in England (outside of London);
- Experimental Traffic Orders and its definition

The Chair of the PATROL Bus Lane Adjudication Service Joint Committee, Councillor Tony Page alongside Caroline Sheppard gave a detailed update in respect of applications for part 6 powers of the Traffic management Act 2004.

RESOLVED

That the progress report be noted.

32 PUBLIC AFFAIRS REPORT

Consideration was given to the public affairs report.

RESOLVED

That the report be noted.

33 RISK MANAGEMENT STRATEGY AND REGISTER

The Committee considered the current assessment of risk.

RESOLVED

That the current assessment of risk be noted.

34 REVIEW OF GOVERNANCE DOCUMENTATION

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

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

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

RESOLVED

That the Joint Committees:

- i) Noted the extension to the agreements with the Host Authority to coincide with the lease agreement to September 2024.
- ii) Noted the unchanged Schemes of Delegation to the Chief Adjudicator and the Director (Appendix 1 and 2 to the report).
- iii) Approved the updated Memorandum of Understanding between the Adjudicators and the Joint Committee (Appendix 3-see Section 4 to the report).
- iv) Appointed persons to fulfil the function of the proper officer under the relevant regulations.
- v) Noted the proposed cycle of meetings for 2019/20, as reported above.

35 ADJUDICATOR RECRUITMENT AND RETIREMENT

Consideration was given to a report on the proposal to undertake a competition (recruitment) of adjudicators in the year 2022/2023 and to make no change to the mandatory retirement age for adjudicators. A question was asked in respect of whether there could be a legal challenge if no change was made. Further extensive debate took place and it was felt that the explanation provided by Caroline Sheppard meant that on balance there shouldn't be a change to the mandatory retirement age and the minutes should reflect that Members considered the matter carefully.

RESOLVED

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

36 APPOINTMENTS TO THE ADVISORY BOARD

Consideration was given to the Terms of Reference for the Advisory Board.

RESOLVED

1. That the Terms of Reference and composition of the Advisory Board as set out in the Appendix to the report, be approved.
2. That the appointment of Michael Clarke of City of Stoke on Trent to the Advisory Board for a period of four years until the Joint Committees' annual meetings in July 2025 be approved.

3. That the extension of Graham Addicott OBE as an Independent Member to July 2022 be approved.

37 PATROL PACER (PROMOTING AWARENESS OF CIVIL ENFORCEMENT THROUGH REPORT) AWARDS

It was noted that the event for this had been held on Monday 25 October 2021.

The event was again hosted by Huw Merriman, MP for Bexhill and Battle, and Chair of the Transport Committee. Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport, who was the Minister leading on the moving traffic powers, also attended.

PATROL's PACER awards recognised the local authorities that were demonstrating excellence in the approach to their parking and traffic Annual Reports, whether that was through engaging information and case studies, clear financial reporting, the use of digital channels or layout and design. This years' awards celebrated the successes of authorities who won awards for producing a report in both 2020 and 2021, due to the pandemic restricting the hosting of the event last year.

The winners for 2018/19 Annual Reports were:

- BEST CONCISE REPORT
Borough of Broxbourne Council
- BEST USE OF DESIGN
Welwyn Hatfield Borough Council
- BEST USE OF DIGITAL CHANNELS
Newcastle City Council
- HIGHLY COMMENDED FOR REPORTING: CUSTOMER SERVICE
Cheshire East Council
- HIGHLY COMMENDED FOR REPORTING: INNOVATION AND NEW SERVICES
Cardiff Council
- OVERALL WINNER
Lincolnshire County Council

The winners for 2019/20 Annual Reports were:

- BEST CONCISE REPORT
Cumbria County Council
- BEST USE OF DESIGN
North East Lincolnshire Council
- BEST USE OF DIGITAL CHANNELS
Chichester District Council
- HIGHLY COMMENDED FOR REPORTING: CUSTOMER SERVICE
Dacorum Borough Council
- HIGHLY COMMENDED FOR REPORTING: INNOVATION AND NEW SERVICES

- **Derby City Council**
- HIGHLY COMMENDED FOR REPORTING: FINANCE AND STATISTICS
- **Devon County Council**
- OVERALL WINNER:
- **Cheshire East Council**

RESOLVED

That the update be noted.

38 PAVEMENT PARKING IN ENGLAND

It was noted that Members be encouraged to raise awareness of issues caused by the delay to the introduction of pavement parking powers in England.

39 DATE OF NEXT MEETINGS – TUESDAY 25 JANUARY 2022 AND 12 JULY 2022

It was noted that the date of the next meetings would be held on Tuesday 25 January 2022 and Tuesday 12 July 2022.

The meeting commenced at 10am and concluded at 11.35am.

Councillor Stuart Hughes (Chair)

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date: 25th January 2022

Report: Wales Update

1. Civil Parking Enforcement (CPE)

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

2. Moving Traffic Enforcement

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

3. Pavement Parking

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

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

4. Clean Air Zones

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

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

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

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

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

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

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

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

PATROL and Bus Lane Adjudication Service Joint Committees Advisory Board

Date of Meeting	7 th December 2021
Report of:	The Director
Subject/Title:	Review of Income and Expenditure & Reserves for 2021/22 for PATROL

1.0 Report Summary and Recommendation

1.1 To inform recommendations to the Executive Sub Committee meeting on 25th January 2022, based on the financial position at end September 2021.

1.2 To note the Reserves position at end September 2021 against the budget and the forecast Reserves position to for the year 2021/22 at the meeting of the Executive Sub Committee held 25th January 2022.

2.0 Reasons for Recommendations

2.1 Compliance with financial regulations.

2.2 To inform the Risk Register.

3.0 Income and Expenditure

	Year to Date			
	30/09/2021	30/09/2021	30/09/2021	30/09/2021
	Year to Date	Budget	Var to Budget	Var to Budget
Income	1,211,453	1,454,008	-242,556	-16.7%
Expenditure	1,278,317	1,872,785	594,468	31.7%
Surplus / (Deficit)	-66,863	-418,777	351,913	

Breakdown of Surplus			
PATROL	-171,775	-334,316	162,540
Halton Borough Council	26,803	-22,470	49,273
National Highways	78,109	-61,991	140,100
	-66,863	-418,777	351,913

3.1 At 30th September Income is £242,556 adverse to budget (16.7%), this is due to lower than anticipated PCNs issued in Q1. Trends indicate a negative variance to budget by March 2022 of circa £463,000.

Expenditure is positive to budget by £594,468 at September (31.7%). This is due to lower than anticipated costs and is expected to continue into Q3 and Q4.

More detailed analysis is provided at Appendix 1.

4.0 Reserves

to end September 2021	To Date	Budget	Var to Budget
Reserves b/f from 20/21	2,385,958	2,385,958	0
Surplus / (Deficit) for year 21/22	-66,863	-418,777	351,913
Closing Balance	2,319,095	1,967,181	351,913
<i>Approved Reserves</i>	<i>1,912,104</i>	<i>1,912,104</i>	0
	406,991	55,077	351,913
less:			
NH balance at 30/09/21	206,629	66,529	140,100
MG balance at 30/09/21	45,521	-3,752	49,273
PATROL FREE Reserves at 30/09/21	154,842	-7,700	162,541
Forecast to March 2022	To Date	Budget	Var to Budget
Reserves b/f from 20/21	2,385,958	2,385,958	0
Surplus / (Deficit) for year 21/22 - FORECAST	447,438	-579,554	1,026,992
Closing Balance	2,833,396	1,806,404	1,026,992
<i>Approved Reserves</i>	<i>1,912,104</i>	<i>1,912,104</i>	0
FREE Reserves to Date	921,292	-105,700	1,026,992
less:			
NH FORECAST balance at 31/03/22	284,738	56,888	227,850
MG FORECAST balance at 31/03/22	75,990	-8,077	84,067
PATROL FORECAST FREE Reserves at 31/03/22	560,564	-154,512	715,076

- 4.1 At September there is a Reserves balance of £2,319,095 giving a Free Reserves balance of £406,991 (against a budgeted balance of £55,057). Of the total Free Reserves balance £154,842 relates to PATROL against a budgeted balance deficit for PATROL of £7,700

The Forecast Reserves position at March 2022 is a Free Reserves balance of £921,292 against a budgeted balance of £105,700. Of this £560,564 Free Reserves relates to PATROL against a budgeted Free Reserves negative balance of £154,512.

As detailed at 3.1 this is due to lower anticipated costs.

More detailed analysis is provided at Appendix 1.

Appendix 1:

PATROL Outturn to 30/09/2021

	Year to Date				Full Year				
	30/09/2021	30/09/2021	30/09/2021	30/09/2021	31/03/2022	31/03/2022	31/03/2022	31/03/2021	
	Year to Date	Budget	Var to Budget	Var to Budget	Forecast Outturn	Full Year Budget	Var to Budget	Prior Year Result	Var to Prior Yr
Income:									
PATROL *	371,877	650,410	-278,533	-42.8%	1,494,578	1,300,819	193,759	1,028,346	466,232
Recharge for Bus Lane Adjudication Costs	254,438	338,899	-84,461	-24.9%	508,876	677,798	-168,922	412,844	96,032
Road User Charging:									
RUCA (Dartcharge) - National Highways	346,019	324,954	21,065	6.5%	692,038	649,908	42,130	543,578	148,460
RUCA (Mersey Gateway) - Halton Borough Council	102,556	102,620	-64	-0.1%	208,777	205,240	3,537	131,544	77,233
Clean Air Zones	117,084	30,960	86,124	278.2%	194,118	61,921	132,197	0	194,118
LFV	1	165	-165	-100.0%	60	330	-270	47	13
Bank Interest	1,790	6,000	-4,210	-70.2%	3,600	12,000	-8,400	14,388	-10,788
Sale of Assets	250	0	250	0.0%	0	0	0	1,775	-1,775
Other Income	17,439	0	17,439	0.0%	0	0	0	0	0
Total Income	1,211,453	1,454,008	-242,556	-16.7%	3,102,047	2,908,017	194,030	2,132,522	969,525
Expenditure:									
Adjudicators	404,995	722,430	317,435	43.9%	843,694	1,296,859	453,165	803,931	-39,763
Staff	533,304	614,566	81,262	13.2%	1,082,917	1,229,132	146,215	1,090,156	7,239
Premises / Accommodation	18,135	34,300	16,165	47.1%	47,287	68,600	21,313	203,802	156,515
Transport	9,687	40,000	30,313	75.8%	26,317	90,500	64,183	14,317	-12,000
Supplies and Services	106,458	257,263	150,806	58.6%	223,966	403,019	179,053	227,872	3,906
IT	178,393	175,594	-2,799	-1.6%	376,128	342,188	-33,940	290,287	-85,841
Services Management and Support	25,995	26,311	316	1.2%	51,600	52,632	1,032	51,600	0
Audit Fees	1,350	2,321	971	41.8%	2,700	4,641	1,941	4,100	1,400
Contingency	0	0	0	0.0%	0	0	0	0	0
Total Expenditure	1,278,317	1,872,785	594,468	31.7%	2,654,609	3,487,571	832,962	2,686,065	31,456
Surplus / (Deficit)	-66,863	-418,777	351,913		447,438	-579,554	1,026,992	-553,543	1,000,981
	0	0				0	0		0
Breakdown of Surplus	-66,863	-418,777	351,913	-84.0%	447,438	-579,554	1,026,992	-553,543	1,000,981
PATROL *	-171,775	-334,316	162,540	-48.6%	233,949	-481,127	715,076	-636,717	1,351,793
Halton Borough Council	26,803	-22,470	49,273	-219.3%	57,271	-26,796	84,067	4,655	79,412
National Highways	78,109	-61,991	140,100	-226.0%	156,218	-71,632	227,850	78,520	149,330

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

PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 25th January 2022
Report of: The Director in consultation with the PATROL and BLASJC
Resources Working Group
Subject/Title: Budget 2022/23

1.0 Report Summary

1.1 To request the Committee to adopt the revenue budget estimates for 2022/23.

2.0 Recommendation

2.1 To agree to adopt the revenue budget for 2022/23 as detailed in the report.

3.0 Reasons for Recommendations

3.1 Joint Committee Financial Regulations

4.0 Financial Implications

4.1 Set out in the report

5.0 Legal Implications

5.1 Requirement to approve budget before 31 January 2022

6.0 Risk Management

6.1 Budget setting contributes to the Risk Management Strategy.

7.0 Background and Options

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

- 7.2** The Joint Committee has determined that member authorities will defray the expenses of the Joint Committee by way of a contribution based on the number of penalty charge notices they issue.
- 7.3** For 2022/23, the budget model focuses on trends from the past 24 month's income and new appeal streams that are confirmed as being due to come into force during the year in question. The budget takes a prudent approach to income recognition.
- 7.4** Additional income to the PATROL budget arises from a recharge to the Bus Lane Adjudication Service Joint Committee for the purposes of integrated adjudication services.
- 7.5** During 2022/23, additional income also derives from the Secretary of State for Transport in respect of adjudication of appeals arising from the enforcement of road user charging (RUCA) at the Dartford-Thurrock River Crossing and from charges to Halton Borough Council in respect of adjudication of appeals arising from the enforcement of road user charging at the Mersey Gateway Bridge. These charging authorities are not members of the PATROL Joint Committee. Any surplus/deficit arising from appeals activity in this respect is ring-fenced to those charging authorities. Charges are also agreed separately with these authorities.
- 7.6** During 2018/19, new powers were introduced to enable Local Authorities in England to undertake civil enforcement of littering from vehicles. The forecast for 2022/23 remains low for this area of enforcement.
- 7.7** In respect of Income relating to Clean Air Zones estimates of additional income have been included in respect of schemes with confirmed start dates.
- 7.8** No assumptions have been made to include income for the introduction of the remaining powers of Part 6 of the Traffic Management Act in 2021.
- 7.9** A forecast for bank interest has been included based on reduced rates of interest and cash balances.
- 7.10** The Joint Committee approves a Reserves Policy Statement annually, reported separately.
- 8.0 Expenditure**
- 8.1** An assessment has been made of the revenue budget that will be needed to meet the demands on the service during 2022/23
- 8.2** In preparing this budget for 2021/22, account has been taken of this together with the following objectives:
- Reviewing the need for adjudicator recruitment in the light of the introduction of road user charging appeals for Clean Air Zones
 - Appointing a Democratic Services and Policy Manager post to support the work of and provide an evidence base for the PATROL Joint Committees and Traffic Penalty Tribunal.
 - To prepare for and deliver adjudication in respect of road user charging appeals in respect of charging clean air zones.

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

8.3 The following provides a summary of anticipated routine expenditure in 22/23

Adjudicators

The budget assumes a 2% inflationary increase in adjudicator fees. Adjudicator salaries and fees are aligned with the Ministry of Justice judicial salary scales.

Staffing

A 2% inflationary increase has also been assumed for salaries as well as increased rates of National Insurance. Non-judicial salaries are determined by Local Government Services' Pay Agreement and will reflect any agreements reached in respect of 2021/22. There are 3 additional admin roles included to assist with CAZ and associated work.

Premises

This budget assumes no change in office provision in 22/23.

The new lease at Merlin House is for 3 years with a break clause at year 2 (Feb 2023).

Travel

In addition to staff travel, this budget line includes meeting the travel costs of local authority officers attending PATROL and Traffic Penalty Tribunal meetings and workshops. Following approval at the July 2018 meeting, the budget also includes provision for member expenses for Joint Committee meetings outside the annual meeting. It is anticipated that there will be a blend of face-to-face and virtual meetings going forwards.

Supplies and Services

The decrease in supplies and services reflects a move towards fewer face to face meetings and associated costs.

IT Costs

The IT budget shows an increase on the previous year (£399,374 compared to £342,188). This represents the cost of Hardware and Network updates for End of Life equipment as well as the use of emerging technologies which assist with remote working and communication.

Service Management & Support

For 2022/23, the proposed Service Level Agreement (SLA) charges with Cheshire East Council as Host Authority for routine services will remain broadly in line with those for 2021/22 (£52,632). The uplift is based on the Consumer Price Index in November 2020 at 2.0%.

The contracted services are set out below:

HR
Audit
Democratic Services Support
Legal
Finance
Highways - Hosting of PATROL
Retainer (Assets, FOI, procurement, IT Support, H&S)

Audit

External Audit fees are broadly in line with those for 2020/21. Internal Audit is included in the SLA Charges from Cheshire East see table above.

9.0 Budget Summary

The proposed budget for 2022/23 assumes the continuation of defraying the expenses amongst members of the Joint Committee on the basis of 30 pence per PCN as approved at the January and October 2021 meetings.

The budgeted income and expenditure for 2022/23 results in an overall forecast contribution **FROM** reserves of £2,444. A proportion of this will be ring-fenced to road user charging schemes as follows:

	FULL Budget 2020/21	FULL Budget 2021/22	FULL Budget 2022/23	Budget Var 21/22 to 22/23	ACTUAL 2020/21	Forecast 2021/22
TOTAL	-126,420	-579,554	-2,444	577,110	-553,542	447,437
PATROL	-148,963	-483,445	-18,390	465,055	-636,717	233,949
Halton Borough Council	-14,131	-26,109	-9,748	16,361	4,655	57,271
National Highways	36,674	-70,000	25,694	95,694	78,520	156,218

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

The table below provides contextual information for the proposed 2022/23 budget:

- Actual full year expenditure for 2020/21 (Col 1)
- Full budget for 2021/22 (Col 2)
- Full budget for 2022/23 (Col 3)
- Variance between Col 2 and Col 3 (Col 4)

	1	2	3	4	5	6
	FULL Budget	FULL Budget	FULL Budget	Budget Var	ACTUAL	Forecast
	2020/21	2021/22	2022/23	21/22 to 22/23	2020/21	2021/22
Income						
PATROL *	1,692,009	1,250,419	1,444,178	193,758	1,006,809	1,461,346
Recharge for Bus Lane Adjudication Costs	664,428	677,798	694,659	16,861	412,844	508,876
Moving Traffic	50,400	50,400	50,400	0	23,312	33,232
Road User Charging:						
Highways England	870,972	649,908	692,038	42,129	543,578	692,038
Halton Borough Council	201,800	205,240	208,777	3,537	131,544	208,777
Durham Peninsular						
Littering from Vehicles	600	330	60	(270)	47	60
Clean Air Zones	61,008	61,921	329,448	267,527	0	194,118
Other Income	0	0	0	0	0	0
Bank Interest	24,000	12,000	3,600	(8,400)	14,388	3,600
Total Income	3,565,217	2,908,017	3,423,159	515,143	2,132,523	3,102,047
Expenditure:						
Adjudicators	1,254,564	1,296,859	1,223,442	73,417	803,888	843,694
Staff	1,301,715	1,229,132	1,378,762	(149,630)	1,090,000	1,082,917
Premises / Accommodation	205,650	68,600	67,930	670	203,802	47,287
Transport	92,800	90,500	54,500	36,000	14,317	26,317
Supplies and Services	492,704	403,019	243,269	159,750	262,585	223,966
IT	233,685	342,188	399,374	(57,186)	290,287	376,128
Services Management and Support	51,600	52,632	53,685	(1,053)	51,600	51,600
Audit Fees	4,920	4,641	4,641	0	4,100	2,700
Contingency	54,000	0	0	0	(34,515)	0
Total Expenditure	3,691,638	3,487,571	3,425,603	61,968	2,686,065	2,654,610
Surplus / (Deficit)	(126,420)	(579,554)	(2,444)	577,111	(553,542)	447,437

0 0

Breakdown of Contribution to Reserves:

TOTAL	-126,420	-579,554	-2,444	577,110	-553,542	447,437
PATROL	-148,963	-483,445	-18,390	465,055	-636,717	233,949
Halton Borough Council	-14,131	-26,109	-9,748	16,361	4,655	57,271
National Highways	36,674	-70,000	25,694	95,694	78,520	156,218

10.0 Forecast Reserves to 31st March 2023

	TOTAL	PATROL	Nat High	Halton Borough
Closing Reserves 2020/21 and Opening Reserves of 2021/22	2,385,958	2,238,719	128,520	18,719
Forecast Surplus / (Deficit) 21/22	447,437	233,949	156,218	57,271
FORECAST Reserves 31.03.22	2,833,395	2,472,668	284,738	75,990
Proposed Budget for 2022/23	-2,444	-18,390	25,694	-9,748
Forecast Reserves at 31.03.23	2,383,514	2,220,329	154,214	8,971
Of which are:				
General Approved Reserve	1,712,802	1,712,802		
Approved Property Reserve	135,860	135,860		
Approved Technology Reserve	342,560	342,560		
Research and Innovation Reserve	50,000	50,000		
Allocated to Bus Lanes (proposed)	-347,330	-347,330		
TOTAL Approved Reserve	1,893,892	1,893,892	0	0
<i>of which Free Reserves</i>	489,622	326,437	154,214	8,971
<i>of which retained by agreement</i>			50,000	25,000
<i>balance after retention</i>			104,214	-16,029

PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting:	25th January 2022
Report of:	The Director in consultation with the PATROL and BLASJC Resources Working Group
Subject / Title:	Reserves Policy Statement

1.0 Report Summary

1.1 To review the Reserves Policy Statement for the Joint Committee for 2022/23

2.0 Recommendation

2.1 To approve the proposed Reserves Policy Statement for 2022/23.

2.2 To approve the total PATROL approved reserve level for 2022/23 of £1,893,892. This reflects the contribution from the BLASJC reserve of £347,330. The equivalent amount for 2021/22 was is £1,912,104. This allowing for the proposed Reserve Allocation to BLASJC of £338,899.

2.3 To approve the balances of any surplus from 2021/22 being carried forward to 2022/23.

2.4 To approve the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from PATROL Free Reserves to meet budgetary deficits.

3.0 Reasons for Recommendations

3.1 Compliance with Financial Regulations

4.0 Financial Implications

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

5.0 Legal Implications

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

6.0 Risk Management

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

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

7.0 Background and Options

7.1 PATROL has built up a body of reserves which ensures the continuation of service should there be an unexpected downturn of income or unforeseen expenditure. The availability of reserves is central to maintaining its ability to self-finance and reduce the likelihood of having to call on additional resources from member authorities mid-year. The availability of reserves (Approved and Free Reserves) has enabled the Joint Committee to be self-supporting during a prolonged period of fluctuations in income arising from the Covid-19 pandemic.

7.2 For 2022/23, it is recommended that the Reserves Policy Statement will be made up of four elements:

General Reserves
Property Reserves
IT Reserve
Research and Innovation Reserve

7.3 The General Reserve

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

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

The General Reserve is based on 50% of total budgeted costs. It is recommended that the General Reserve for 2022/23 will be £1,712,802. This compares to £1,743,785 for the previous year.

7.4 The Property Reserve

This provides an indemnity to the Host Authority in relation to any outstanding rent associated with the lease that they have entered into on behalf of the Joint Committee.

It is recommended that the Property Reserve from 2022/23 is maintained to cover two years beyond the current financial year. The property reserve for 2022/23 will be £135,860, which compares with £108,460 in the previous year. This increase is due to 21/22 having an initial rent-free period which is not seen in 22/23.

7.5 Technology Reserve

It is recommended that the Technology reserve be set at the equivalent of 10% of total budgeted costs i.e. £342,560. This compares with £348,757 in 2021/22.

For 2022/23 it is recommended that a reserve of £342,560 is approved. This is consistent with the previous year's calculation and will support further improvements to our IT Infrastructure.

7.6 Research and Innovation Reserve

It is recommended for 2022/23 that this be set at £50,000. This is the same as approved for 2021/22. Initiatives might include:

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

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

It is recommended for 2022/23 that the Research and Innovation Reserve be set at £50,000.

- 7.7. It is recommended that the total PATROL approved reserve level for 2022/23 is £1,893,892. This after allowing for the proposed Reserve Allocation to BLASJC of £347,330.

Reserves Summary:

	2020/21	2021/22	2022/23	Movement on Prior Year
General Operating Reserve	1,845,819	1,743,785	1,712,802	30,984
Technology Reserve	369,164	348,757	342,560	6,197
Property Reserve	322,862	108,460	135,860	-27,400
Innovation and Research Reserve	50,000	50,000	50,000	0
Total approved Reserve	2,587,845	2,251,003	2,241,222	9,781
<i>Reserve allocated to BLASJC</i>	<i>332,214</i>	<i>338,899</i>	<i>347,330</i>	<i>-8,431</i>
PATROL Reserve	2,255,631	1,912,104	1,893,892	18,211

- 7.8 It is anticipated that PATROL reserve will reach £2,220,329 (excluding ring-fenced amounts) at the 31st March 2023 and therefore insufficient reserves will be in place to accommodate the recommended approved reserve of £1,893,892. This would result in forecast Free Reserves at March 2023 of £326,437.

<u>Forecast Reserves:</u>	PATROL
Closing Reserves 2020/21 and Opening Reserves of 2021/22	<u>2,238,719</u>
Forecast Surplus / (Deficit) 21/22	233,949
<i>FORECAST Reserves 31.03.22</i>	<u>2,472,668</u>
Proposed Budget for 2022/23	-18,390
Forecast Reserves at 31.03.23	<u>2,220,329</u>
<i>Of which are:</i>	
<i>General Approved Reserve</i>	1,712,802
<i>Approved Property Reserve</i>	135,860
<i>Approved Technology Reserve</i>	342,560
<i>Research and Innovation Reserve</i>	50,000
<i>Allocated to Bus Lanes (proposed)</i>	-347,330
TOTAL Approved Reserve	1,893,892
<i>of which Free Reserves</i>	<u>326,437</u>

7.9 The Joint Committee will monitor income and expenditure during 2022/23 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.

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.

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting: 25th January 2022

Report of: Director in consultation with the PATROL and BLASJC
Resources Working Group

Subject/Title: Defraying the expenses of the Joint Committee 2022/23

1.0 Report Summary

1.1 To establish the basis for defraying expenses during 2022/23.

2.0 Recommendation

2.1 That for 2022/23, the Joint Committee maintains the rate of 30 pence per PCN for member authorities. This will be reviewed at the October 2022 meeting in the light of actual income and expenditure information for the first half of the year. The rate of 30 pence will apply to penalties issued as follows:

Parking - England

Parking - Wales

Bus Lanes and Moving Traffic - Wales

Road User Charging – England and Wales (Please also see recommendation 2.2 and 2.3)

Littering from vehicles - England

2.2 This will include new road user charging penalties arising from the introduction of charging Clean Air Zones in 2021 (including but not restricted to Bath and North East Somerset Council (BANES) and Birmingham City Council) as well as the existing Durham Peninsular Charging Zone.

2.3 To note that separate charging arrangements are entered into with National Highways and Halton Borough Council who are not members of the Joint Committee but with each of whom the Joint Committee has entered into a Memorandum of Understanding. Ring-fenced balances associated with these schemes are reported separately to the Joint Committee within budget monitoring reports.

2.4 There will be no annual charge, nor cost per case.

2.6 Invoicing will be undertaken based on monthly returns received from enforcement authorities as in 21/22.

3.0 Reasons for Recommendations

3.1 Compliance with Financial Regulations

4.0 Financial Implications

4.1 Detailed in the report

5.0 Legal Implications

5.1 In accordance with the PATROL Adjudication Joint Committee Agreement

6.0 Risk Management

6.1 Financial resilience is monitored within the Risk Management Strategy.

7.0 Background and Options

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

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

Table 1

Year	Per PCN	Annual	Case
1991/2001	70 pence	£500	£10
2001/2003	70 pence	£500	£0
2003/2005	65 pence	£250	£0
2005/06	60 pence	£0	£0
2006/07	55 pence	£0	£0
2007/08	55 pence	£0	£0
2008/09	60 pence	£0	£0
2009/10	60/65 pence	£0	£0
2010/11	65 pence	£0	£0
2011/12	65 pence	£0	£0
2012/13	60 pence	£0	£0
2013/14	60 pence	£0	£0
2014/15	55 pence	£0	£0
2015/16	50/45 pence	£0	£0
2016/17	45/40 pence	£0	£0
2017/18	35 pence	£0	£0
2018/19	30 pence	£0	£0
2019/20	30 pence	£0	£0
2020/21	30 pence	£0	£0

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

7.4 Following consideration by the Resources Working Group, it is recommended that for 2022/23, the Joint Committee maintain the rate of 30 pence per PCN and that this is reviewed at the October 2022 meeting when the actual income and expenditure information for the first half of the year is available.

7.5 This will include new road user charging penalties arising from the introduction of charging Clean Air Zones. The Joint Committee is asked to note that the PATROL Joint Committee provides access to independent adjudication through the Traffic Penalty Tribunal for appeals arising from penalty charge

notices issued under Road User Charging regulations at the Dartford-Thurrock River Crossing (Highways England) and at the Mersey Gateway Bridge Crossing (Halton Borough Council). These arrangements are each underpinned by a Memorandum of Understanding as the Charging Authorities are not members of the PATROL Joint Committee. The charges and agreed reserve levels for these are subject to separate arrangements agreed with the Charging Authority. Balances associated with these schemes are reported separately to the Joint Committee within budget monitoring reports.

7.6 The formal recommendation for defraying expenses for Member Authorities for 2022/23 and its impact on reserves is as follows:

To maintain a charge per PCN of 30 pence per PCN issued

	PATROL
Closing Reserves 2020/21 and Opening Reserves of 2021/22	<u>2,238,719</u>
Forecast Surplus / (Deficit) 21/22	233,949
<i>FORECAST Reserves 31.03.22</i>	<u>2,472,668</u>
Proposed Budget for 2022/23	-18,390
Forecast Reserves at 31.03.23	<u>2,220,329</u>
<i>Of which are:</i>	
<i>General Approved Reserve</i>	<i>1,712,802</i>
<i>Approved Property Reserve</i>	<i>135,860</i>
<i>Approved Technology Reserve</i>	<i>342,560</i>
<i>Research and Innovation Reserve</i>	<i>50,000</i>
<i>Allocated to Bus Lanes (proposed)</i>	<i>-347,330</i>
<i>TOTAL Approved Reserve</i>	<i>1,893,892</i>
 <i>of which Free Reserves</i>	 <u>326,437</u>

This will require a **contribution from reserves** for PATROL for 2022/23 (excluding Highways England and Mersey Gateway ring-fenced amounts) of £18,390.

The basis for defraying expenses will be reviewed in October 2022 in the light of six-months income and expenditure information.

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

Date of Meeting: 25th January 2022
Report Title: Update on delayed cases
Senior officer: Director

1. Report Summary

Correspondence received from solicitors acting for Halton Borough Council concerning outstanding cases at the Traffic Penalty Tribunal.

There was also a letter from an appellant's representative concerning the delay to issuing the decision in an appeal against a penalty charge notice issued by Sandwell Metropolitan Borough Council.

2. Halton Borough Council / Mersey Gateway Crossings Board

The Decision in XM01885-1906 Curzon v Halton Borough Council has now been issued to the parties.

The decision is available on the TPT's website:
<https://www.trafficpenaltytribunal.gov.uk/traffic-penalty-tribunal-allows-11-appeals-against-mersey-gateway-penalty-charges/>

The Chief Adjudicator has explained that the principle issue in the case affects all the other cases for that road user charging authority. Consequently the other cases cannot be dealt with until the principle case has been finalised at the Tribunal. In legal terms, this is described as the cases being 'stayed'.

The Council has 14 days to ask for decision to be reviewed. In view of the complexity of the case and the length of the Decision they may also ask for an extension of time. This means that the other 'stayed' cases will have to await the final outcome of any review application. The Council and its legal advisers are aware of this.

This situation is not rare at the TPT. From time to time there have been what can best be described as a 'test case' that would affect all other appeals relating to the same issue for the authority concerned. Typically this happens where there is a challenge to the signing at a new traffic scheme. All the appeals relating to that location are held back pending the decision in the 'test case'. This often applies to 300 or more cases being 'stayed'. If the test case appeal is allowed – and the adjudicator will have

explained why - then the authority usually decides not to contest the outstanding cases while they address the issues that were raised in the 'test case'.

This case is, however, particularly unusual because the same issues had been raised by the appellant in 2019 and the adjudicator had accepted the arguments and allowed his appeals on the grounds of procedural impropriety. If the charging authority had disagreed with the adjudicator on that point then it could have applied for judicial review to the High Court. However, it did not, so the appellant appealed again.

It is not appropriate to discuss the case further at this stage because there may be an application for a review from the Council, which will be dealt with by a different adjudicator. In the event of the initial decision being upheld the Council will consider whether to apply for Judicial Review.

At that stage the Tribunal will discuss with the Council how to proceed with the 'stayed' cases.

There was a regrettable delay in issuing the second 'test case' decision. There were reasons and TPT will explain and apologise to the parties in further correspondence.

3. Sandwell Metropolitan Borough Council

Correspondence sent to the Chair of the Bus Lane Adjudication Service Joint Committee in November 2021 from the appellant's representative highlighted that they were still awaiting the written decision from an appeal that had been heard in late 2020.

The written decision has now been issued and included apologies for the delay. This was due to a regrettable oversight. The decision had been given orally at the hearing to the representative who was told that the appeal was allowed and the reasons clearly explained. The appellant, therefore, was not left in any doubt as to the outcome of their appeal in the intervening time.

4. Recommendation

The committee is asked to note the progress of the cases described in this report.

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES Executive Sub Committees

Date of Meeting:	25 th January 2022
Report of:	The Director on behalf of the PATROL and BLASJC Resources Working Group
Subject/Title:	Report of the PATROL and BLASJC Resources Working Group meetings held since the meeting of the Executive Sub Committees in October 2021.

1.0 Report Summary

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

2.0 Recommendations

- 2.1 To note the matters discussed at the meetings since the last Executive Sub Committee.
- 2.2 To approve the Resources Working Group and Sub Committee overseeing matters highlighted in the report and reporting back to the next meeting of the Joint Committees or their Executive Sub Committees

3.0 Reasons for Recommendations

- 3.1 To update the Joint Committees

4.0 Financial Implications

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

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

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

7.0 Background and Options

- 7.1 The July 2019 meetings of the Joint Committees resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives on its behalf.
- 7.2 The Resources Working Group comprises the Chairs of the Joint Committee and representatives from the Joint Committees' Advisory Board. The Resources Sub Committee comprises the Members.

- 7.3 During the Covid-19 pandemic, the Chairs of the Joint Committees have been appraised of the impact of reduced income on cash flow and the need to drawdown from the reserves from previous years in accordance with the Joint Committees' Reserves Policy.
- 7.4 The Resources Working Group have been consulted in the decision to service notice on the current lease at the Wilmslow office in response to a move to increased remote working and the planned introduction of a smaller office hub following a staff consultation. Adjudicators already work remotely.
- 7.5 At its meeting on 16th December 2021, the Resources Working Group were updated on the progress of the recruitment campaign for the Traffic Penalty Tribunal Chief Adjudicator. The recruitment campaign is currently underway with final interviews planned for late February 2022. A handover period up to March 2022 will remain available if the panel identifies a preferred candidate by the end of the exercise.
- 7.6 The Resources Working Group reviewed the financial recommendations being made to this meeting together with:
- a) The reporting of the Traffic Penalty Tribunal's statistics for 2021/2022 to date.
 - b) Received a Public Affairs Update and resolved that a summary report is presented to the Joint Committees.
 - c) Received an update on the introduction of Clean Air Zones and outlined the activities and issues arising from their associated appeals. Resolved to prepare a Clean Air Zone report as more information becomes available through appeals.
 - d) Draft financial and governance reports for the Joint Committee meetings including reviewing the risk register.
 - e) Noted that the PACER Awards ceremony is currently being planned for July 2022 (TBC) and made aware that the invitation for submissions is now live.
- 7.8 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and report to the next meeting of the Joint Committees or their Executive Sub Committees.

8.0 Recommendation

- 8.1 To note the matters discussed at the meetings held since the Executive Sub Committee in October 2021.

PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES
Executive Sub Committees

Date of Meeting: 25th January 2022

Report of: The Director in consultation with Resources
Working Group

Subject/Title: Risk Register

1. Report Summary

The report presents the current assessment of risk.

2. Recommendation

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

3. Reasons for Recommendations

To report on arrangements for identifying, managing and reporting risk

4. Financial Implications

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

5. Legal Implications

None

6. Risk Management

Provides a framework for risk management.

7. Background and Options

The Risk Register is set out at Appendix 1

8. Access to Information

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

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

Appendix 1

Risk Management Framework

1. Introduction

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

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

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

A strong risk framework:

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

2. Corporate Risks

The Joint Committee summarises its risk appetite as follows:

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

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

Risk Matrix

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

3. Background to Corporate Risks:

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

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

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

The objectives of PATROL include:

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

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

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

4. Review




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



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

Risk Register 2020/2021

Date Last Reviewed:

7th May 2021

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

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

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting:	25th January 2022
Report of:	The Director in consultation with the PATROL and BLASJC Resources Working Group
Subject/Title:	Annual Investment Strategy

1.0 Report Summary

1.1 To report on investments during 2021/22 and request the Joint Committee to approve the annual investment strategy for 2022/23.

2.0 Recommendation

2.1 To approve the Annual Investment Strategy 2022/23

3.0 Reasons for Recommendations

3.1 Joint Committee Financial Regulations

4.0 Financial Implications

4.1 Set out in the report

5.0 Legal Implications

5.1 None

6.0 Risk Management

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

7.0 Background and Options

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

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

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

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

7.4 In the year to date the interest generated has been on average £298 per month. This compares with £2,147 over the financial year 2019/20 for PATROL and £1,199 per month (20/21) compared to £33 per month (20/21) for BLASJC.

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

8.0 Annual Investment Strategy 2022/23

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

The CIPFA requirements in the Treasury Code of Practice require the use of credit ratings as a qualifying level – for example Cheshire East Council will be requiring grade A- for 2022/23. This relates to the lowest published long-term credit rating from Fitch, Moody’s or Standard and Poor’s.

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

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

8.3 Investments for PATROL and BLASJC are placed separately.

PATROL ADJUDICATION JOINT COMMITTEE

Executive Sub Committee

Date of Meeting:	25th January 2022
Report of:	The Director in consultation with the PATROL and BLASJC Resources Working Group
Subject/Title:	Appointment of External Auditor

1.0 Report Summary

1.1 To seek approval for the appointment of External Auditors for the periods 2021/22 to 2023/24.

2.0 Recommendation

2.1 To approve BDO LLP as External Auditors for the period 2021/22 to 2023/24 accounts.

3.0 Reasons for Recommendations

3.1 To formally appoint an External Auditor to the PATROL and BLASJC committees.

4.0 Financial Implications

4.1 The combined fees for both audits for 2020/21 was £3,400 (£2,400 for PATROL, £1,000 for BALSJC).

5.0 Legal Implications

5.1 None

6.0 Risk Management

6.1 The External Audit provides assurance to the Joint Committees

7.0 Background and Options

7.1 From April 2015, the implementation of the Local Audit and Accountability Act 2014 meant that Joint Committees are no longer required to have their own accounts separately prepared and audited. The Joint Committees have 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 External and Internal Audit provides assurance to the Joint Committees of the appropriateness of accounting processes undertaken on their behalf.

- 7.4** External Audit charges have remained relatively constant with the total cost of audit being £3,400 for the 2020/21 audit (PATROL £2,400 and BLASJC £1,000).
- 7.5** The purpose of this report is to seek approval to the appointment of BDO LLP as the External Auditor for the period 2021/22 to 2023/24.

8.0 Recommendation

- 8.1** To approve BDO LLP as External Auditors for the period 2021/22 to 2023/24.

9.0 Access to Information

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

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



General Progress Report

1 April – 31 October 2021

1. Appeals summary

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

1.1. PCNs appealed: All appeal streams

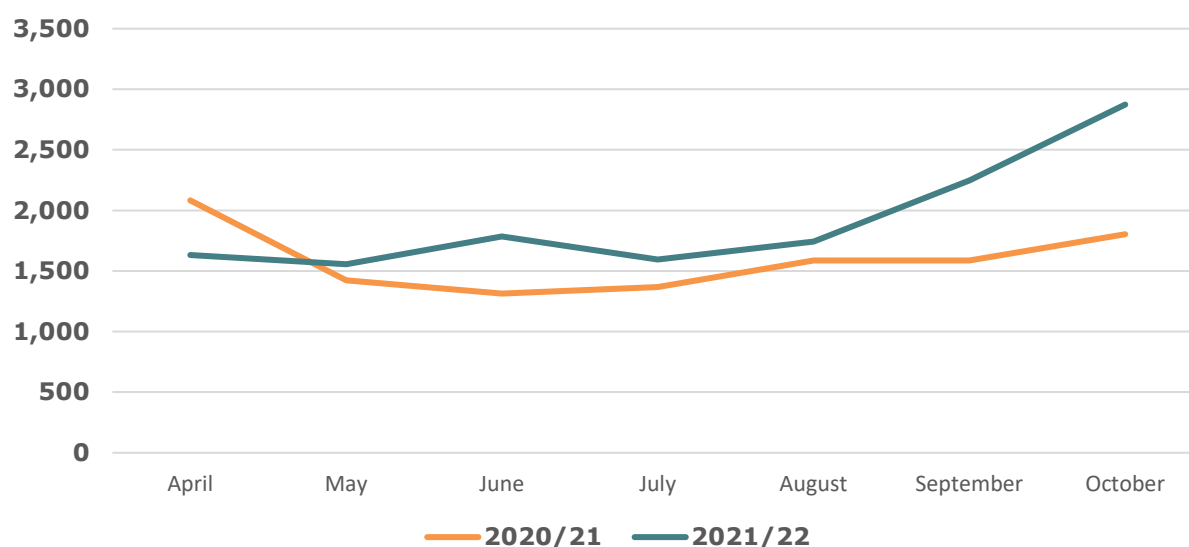
The below table and graph show all PCNs appealed to the Tribunal from 1 April – 31 October this year (2021/22) against the same period in the year 2020/21. The figures for 2021/22 show a 20.3% increase Year-on-Year (YOY).

	2020/21	2021/22
April	2,083	1,632
May	1,422	1,556
June	1,314	1,785
July	1,369	1,596
August	1,588	1,743
September	1,586	2,248
October	1,803	2,874
TOTAL	11,165	13,434 (+20.3% YOY)

- The figures for this year show a significant increase on last year, but still reflect an average ~36% decrease in the number of PCNs appealed to the Tribunal compared to 2018/19 and 2019/20. This can be attributed to the onset of COVID-19 restrictions in early 2020 and the subsequent changes in driver behavior as a result of the pandemic.
- Between end August and end October, the average percentage decrease in appeals from 2018/19 and 2019/20 has come down (appeal numbers were 45% down at end of August).

With three new Clean Air Zones launched this year and several more set to launch in 2022 (see more on Page 4), together with moving traffic enforcement powers set to be granted to local authorities in England (outside London) from Spring 2022, a significant increase in appeal numbers is expected by the end of 2021/22.

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



1.2. PCNs appealed: Specific appeal streams

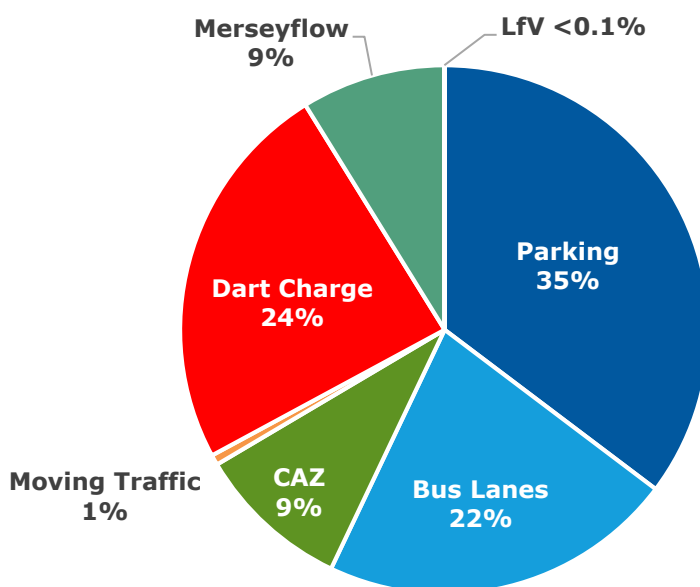
The below table breaks down all PCNs appealed to the Tribunal by separate appeal stream between 1 April – 31 October this year (2021/22). Totals for the same period in 2020/21 are included for comparison, together with the percentage increase or decrease Year-on-Year (YOY).

2021/22								
	Parking	Bus Lane	Clean Air Zone	Moving Traffic	Dart Charge	Merseyflow	Durham RUCZ	Littering fr. Vehicles
April	623	341	0	19	401	248	0	0
May	603	348	10	13	348	234	0	0
June	710	431	1	8	446	189	0	0
July	704	402	8	13	362	106	0	1
August	672	435	155	8	382	91	0	0
September	675	454	333	16	563	204	0	3
October	754	514	760	7	729	110	0	0
TOTAL	4,741	2,925	1,267	84	3,231	1,182	0	4
Totals for Apr–Oct 2020/21	4,235	1,764	N/A	106	4,012	1,043	0	5
	+11.9% YOY in 2021/22	+65.8% YOY in 2021/22	N/A	-20.8% YOY in 2021/22	-19.5% YOY in 2021/22	+13.3% YOY in 2021/22	~ YOY in 2021/22	-20.0% YOY in 2021/22

Enforcement started at the first Clean Air Zones (CAZs) from March, with the first appeals seen from the Bath CAZ (which launched in March) submitted to the Tribunal in May and those from the Birmingham CAZ (which launched in June) submitted in August. Further zones are set to launch in 2021/2022 (see Page 4).

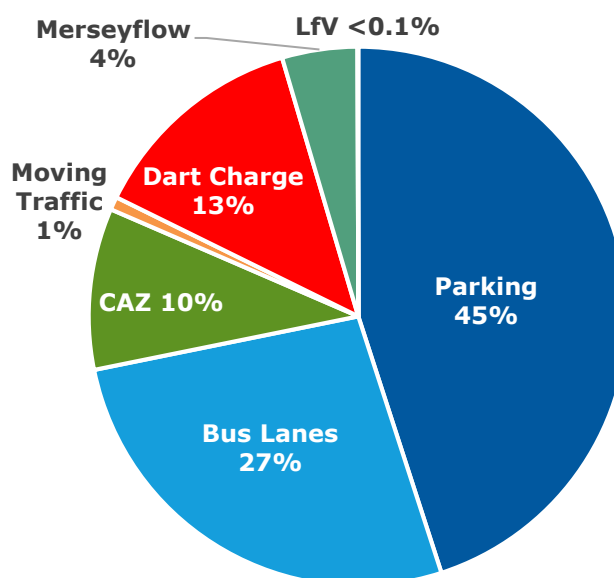
The pie chart below shows the types of appeal stream as a percentage of the total number of **PCNs** appealed to the Tribunal this year (2021/22).

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



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

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



1.3. PCNS appealed: England

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

2021/22 – England					
	Parking	Bus Lane	CAZ	Littering fr. Vehicles	Durham RUCZ
April	589	334	0	0	0
May	560	338	10	0	0
June	675	426	1	0	0
July	646	401	8	0	1
August	594	429	155	0	0
September	612	450	333	3	0
October	685	510	760	0	0
TOTAL	4,361	2,888	174	4	0
Totals for Apr–Oct 2020/21	3,946	1,704	N/A	5	0
	+10.5% YOY in 2021/22	+69.5% YOY in 2021/22	N/A	-20.0% YOY in 2021/22	~ YOY in 2021/22

1.4. PCNS appealed: Clean Air Zones (CAZs)

Enforcement started at the first CAZs from March, with the first appeals seen from the Bath CAZ (which launched in March) submitted to the Tribunal in May and those from the Birmingham CAZ (which launched in June) submitted in August. At the time of writing, the Portsmouth CAZ has also launched (on 29 November).

Further CAZs (and other emissions led enforcement schemes in England, outside London) scheduled for launch in 2021/22 include the Bradford CAZ (expected 5 January 2022) and the Oxford Zero Emission Zone pilot (expected February 2022). Due to launch later in 2022 are the Greater Manchester (expected 30 May), Bristol (expected June) and Sheffield (expected Autumn) CAZs.

A number of consistent issues are being observed in CAZ appeals submitted to the Tribunal so far, with the number of PCNs being issued at the zones that have launched far higher than estimates provided in modelling before the schemes went live. The Adjudicators are currently preparing a short report presenting the CAZ appeal numbers and providing some insight into some of the issues that have been observed in cases so far. The report is expected to be ready in early 2022.

1.5. PCNs appealed: Wales

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

2021/22 – Wales			
	Parking	Bus Lane	Moving Traffic
April	34	7	19
May	43	10	13
June	35	5	8
July	58	1	13
August	78	6	8
September	63	4	16
October	69	4	7
TOTAL	380	37	84
Totals for Apr–Oct 2020/21	289	60	106
	+31.5% YOY in 2021/22	-38.3% YOY in 2021/22	-20.8% YOY in 2021/22

1.6. PCNs appealed: Dartford-Thurrock River Crossing ('Dart Charge') scheme – Charging Authority: Secretary of State for Transport and Mersey Gateway Bridge Crossings ('Merseyflow') scheme – Charging Authority: Halton Borough Council

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

2021/22		
	Dart Charge	Merseyflow
April	401	248
May	348	234
June	446	189
July	362	106
August	382	91
September	563	204
October	729	110
TOTAL	3,231	1,182
Totals for Apr–Oct 2020/21	4,012	1,043
	-19.5% YOY in 2021/22	+13.3% YOY in 2021/22

2. Hearings

2.1.

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

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


The project was started with a particular eye on the likely increased case loads to come from appeals from Clean Air Zone schemes, which launched in March 2021, and local authorities in England (outside London) being granted moving traffic enforcement powers (expected from Spring 2022).

2.2.



New processes as a result of the hearings project include:

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

Your hearing with the Adjudicator:
Being prepared and what to expect



Preparing for the hearing

-  **The hearing will last around 15 minutes**
It may take longer, depending on the detail of the case and evidence involved.
-  **You cannot be driving while on the hearing**
The Adjudicator will terminate the hearing if he or she thinks you are driving, even if you are using a hands-free system.
-  **A friend, family member, carer or assistant can accompany you during the hearing, if you need support**
(for example, for physical assistance, translation or sign language interpreting).
-  **It will be useful for you and the Adjudicator if you are able to view the evidence supporting your case during the hearing, so you can discuss it when required**
Connecting to the hearing using a desktop or laptop computer (or having one in front of you when on the phone) is advised.
-  **The hearing will be recorded**
This is for the purposes of record keeping and training.

Connecting to the hearing

1. Look for the 'Microsoft Teams meeting' details in your appointment email

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call the phone number

0800 200 8955 (0800 200 8955) United Kingdom (Full Fee)

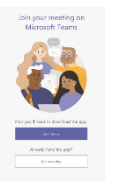
Phone Conference ID: 516 342 7974

Find a local number | Show 375


Learn More | Microsoft Online

2. Connect to the hearing online or call-in by telephone

- a) Use the **web link** ('Click here to join the meeting') to connect to the hearing through Microsoft Teams from your computer, tablet or smartphone.
 - o **Important:** if you are connecting through your smartphone or tablet, you will be prompted to download the Teams app first (see 1p10).
 - o If connecting on a computer or laptop, there's no need to download the app. You can simply connect through your normal internet browser.
 - o For better sound quality, ensure you have a strong internet or telephone connection.
- b) Use the **Freephone (0800) number** to 'call in' to the hearing using your telephone. You will be prompted to enter the **Conference ID**.



3. **Choose to use your camera or not (if connecting by web link only)**
If connecting to the hearing online from your computer, tablet or smartphone, before joining the call you will have the **option to turn your camera on / off** (see screenshot below left, showing 'off').



Whether you choose to have a video or audio-only hearing is up to you, but please **ensure your device's microphone is on** (use or uncheck as shown right, showing 'on'), if connecting through the Teams app, you will also be able to change other settings, including 'Background filters', which hide whatever is behind you.

4. **Once you are comfortable and ready, press the 'Join now' button to connect**



You may be waiting, for a short period – don't worry, you'll be connected soon. You will see the message: **'Someone in the meeting should let you in soon'** while you wait.

On the call


Once connected to the call, you will be speaking to the Adjudicator, who will direct the hearing
They will allow you and the Authority (if they are taking part) to make your case, as well as ask any questions.

Important: Let the Adjudicator know if you have any problems with your sound or if you want them to repeat anything.

If you become disconnected, connect again using the web link provided or if you need assistance, call us on **0800 160 1999**.

After listening to what you have to say, the Adjudicator usually decides the appeal at the end of the hearing *
You will then receive a full written decision on your entire case file, clearly explaining the outcome.

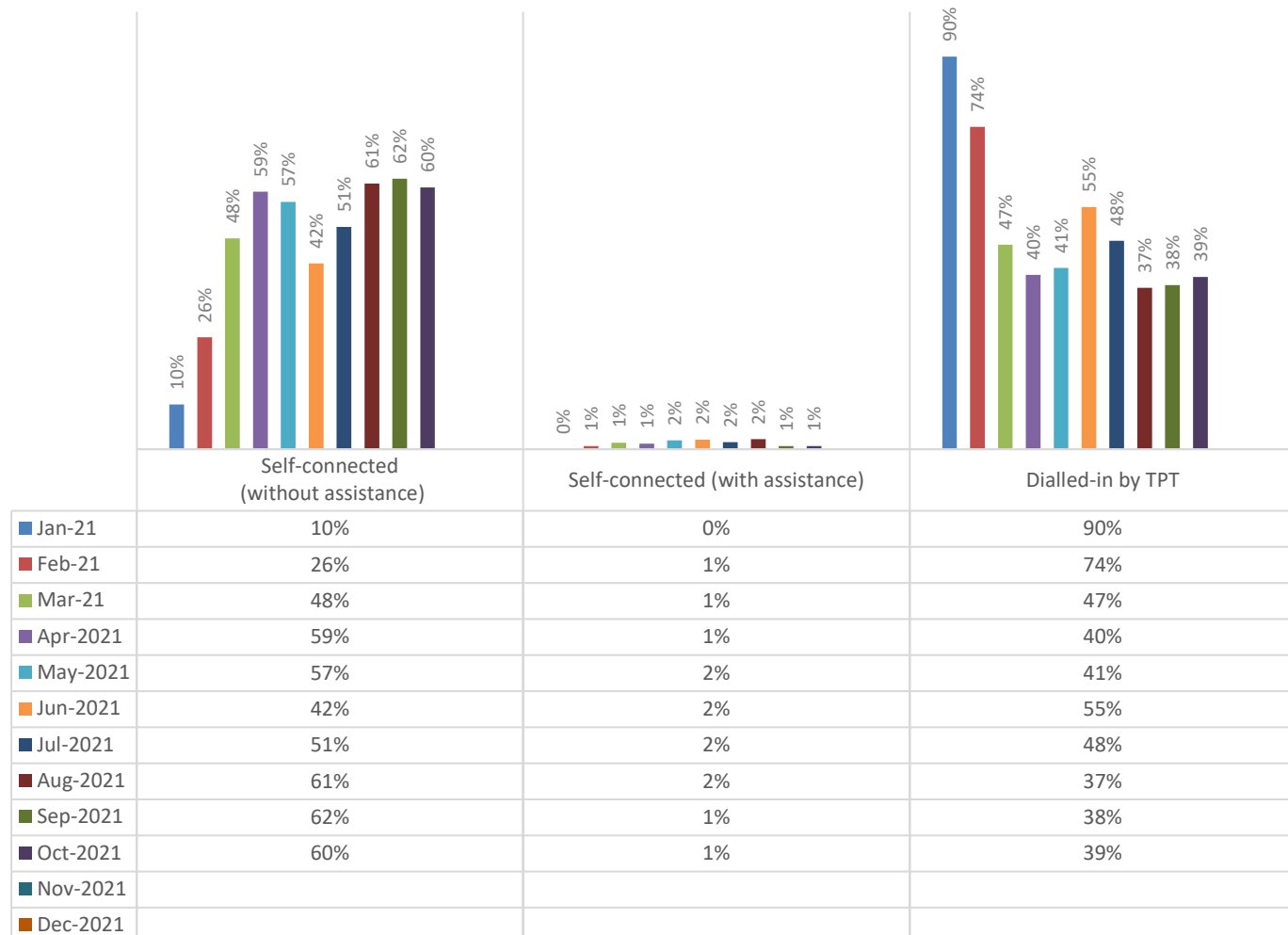
* In some cases, further evidence may need to be provided and the call adjourned



2.3.

Following implementation of the new processes in March 2021, over 60% of Appellants are now self-connecting to their hearings (see below).

**FIG 4: How appellants are connected to TPT hearings
(Jan–Oct 2021/22)**

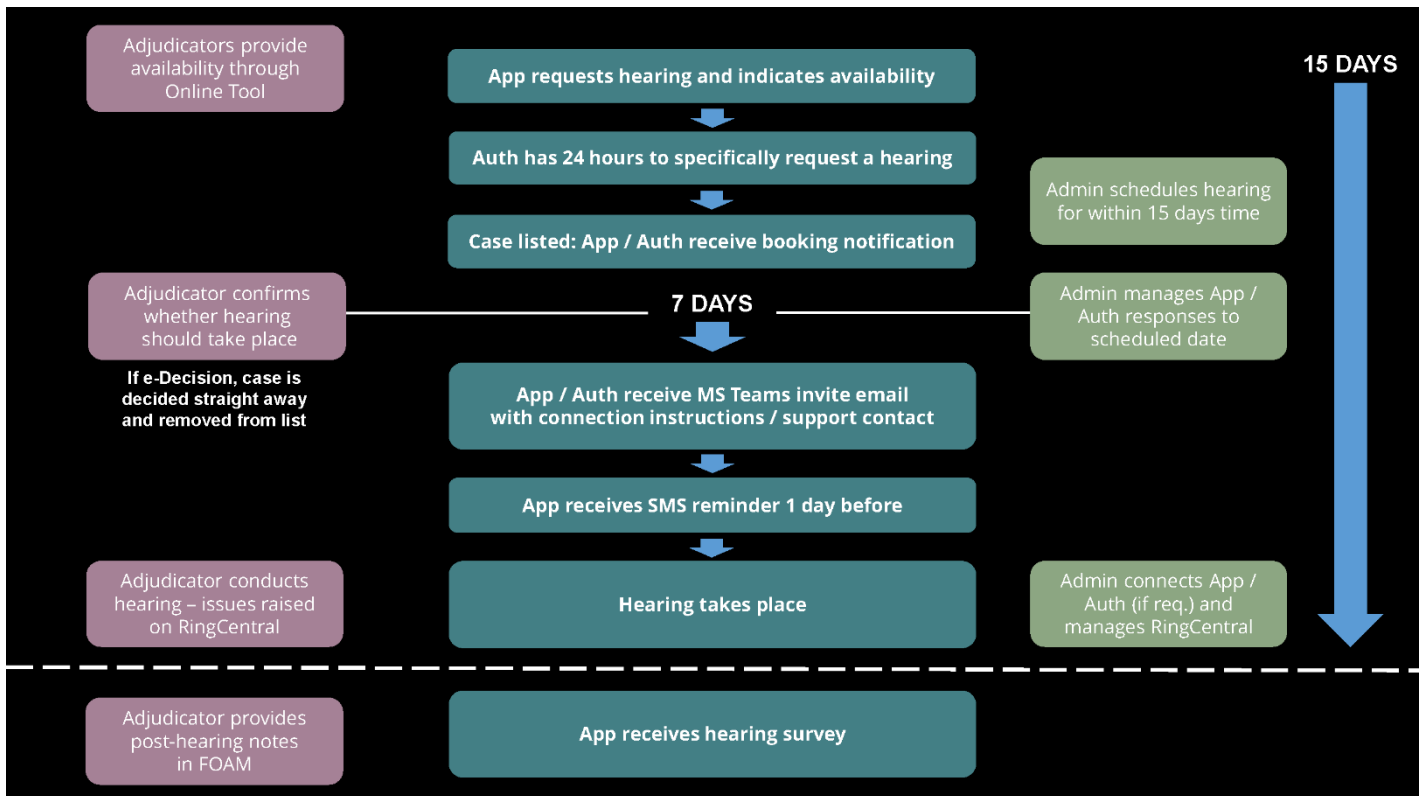


2.4.

The timescales for scheduling hearings have also reduced significantly. As of the end of October 2021:

- a hearing date is being scheduled within seven days of request in 99% of cases.
 - in the month immediately prior to the new processes being implemented (April 2021), hearings were being arranged within seven days in only 53% of cases (this figure was 70% of cases throughout 2019 – the last ‘normal’ operating year before COVID disruption).
- hearings are taking place within 28 days of the request being made in 91% of cases.
 - in the month immediately prior to the new processes being implemented (April 2021), hearings were being arranged and held within 28 days in only 56% of cases (this figure was 70% of cases throughout 2019 – the last ‘normal’ operating year before COVID disruption).

FIG 5: New TPT Hearings Booking Process



Finally, 669 links to the post-hearing survey have been sent out since May 2021, with an average response rate of 25% – this is significantly higher than the 10-15% average expected of an external survey. The team continues to assess feedback and insights from the survey, in order to continue improving the service.

2.5.

The table below shows a breakdown of the decision methods that were selected by appellants between 1 April and 31 October 2021/22 – different hearing types, together with e-Decisions (where a case is decided by an Adjudicator without a hearing, based on the evidence and communications submitted within the online system).

Breakdown of decision method				
	TOTAL Cases	e-Decision	Telephone Hearing	Video Hearing
2021/22 (Apr–Oct)	8,991	7,833 (87.1% of total)	863 (9.6% of total)	295 (3.3% of total)

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

3. Proxy cases

3.1.

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

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

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

3.2.

The average number of cases dealt with by proxy per month is currently just **4.04%**.

3.3.

Postcode areas with the highest number of TPT proxy appellants are located in some of the most 'digitally excluded' regions in the UK according to ONS data.

Postcodes with highest number of proxy appeals (all-time data)

- NG5, NG7, NG8, NG11 (Nottingham) – 312 appeals.
- MK10, MK14 (Milton Keynes) – 173 appeals.
- BN2, BN3 (Brighton) – 145 appeals.
- GU11 (Aldershot) – 122 appeals.
- CF5 (Cardiff) – 103 appeals.
- PE1 (Peterborough) – 84 appeals.
- BD9 (Bradford) – 79 appeals.
- LE2 (Leicester) – 75 appeals.

3.4.

Following initial contact with the TPT Customer Liaison team, an average of 5% of new proxy cases are converted into true online cases – i.e. the appellant takes on the management of their own case online through to completion.

4. Case closure

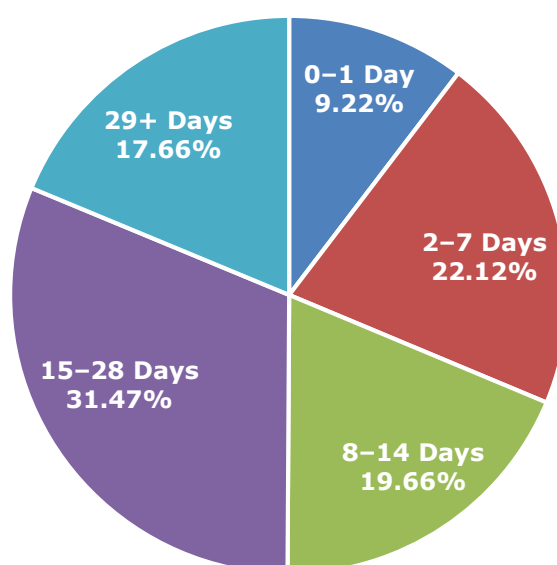
4.1.

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

4.2.

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

FIG 6: Case closure times (all decisions)
(Apr–Oct 2021/22)



- **9.22%** of cases were resolved in 0–1 day
- **31.34%** within 7 days or less
- **51.0%** within 14 days or less
- **82.47%** within 28 days or less

For comparison, case closure figures from a similar reporting period last year (2020/21) can be seen below:

- 7.48% of cases were resolved in 0–1 day
- 28.17% within 7 days or less
- 39.31% within 14 days or less
- 55.46% within 28 days or less

5. Live Chat

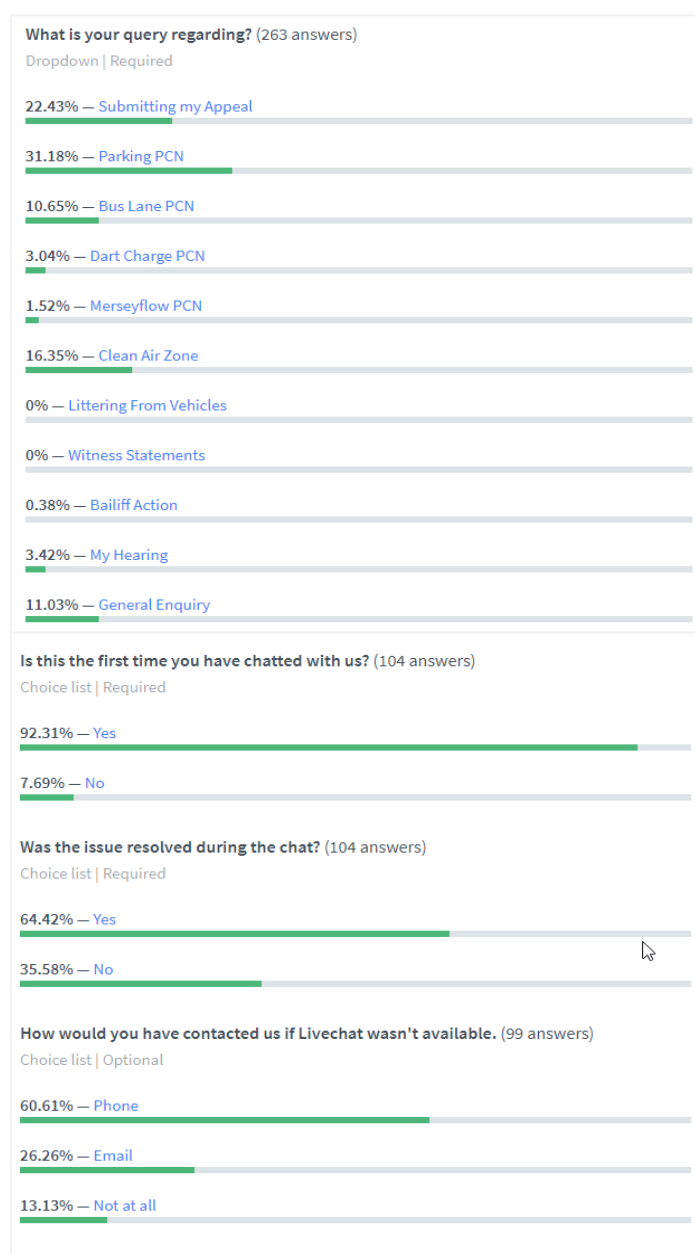
5.1.

Live Chat is a real-time digital communication channel (within office hours) available for Appellants to contact the TPT Customer Liaison team for case-related enquiries. It is accessible from within the online appeals system and from the TPT website. Live Chat enhances the TPT's 'Assisted Digital' offer by being a useful support channel for appellant queries when creating their cases online. TPT Customer Liaison staff can:

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

Between April – October 2021, there have been a total of **859 Live Chats**, with an average satisfaction rate of **91%**. Insights from these chats are presented below.

**FIG 8: Survey responses
(Apr–Oct 2021/22)**



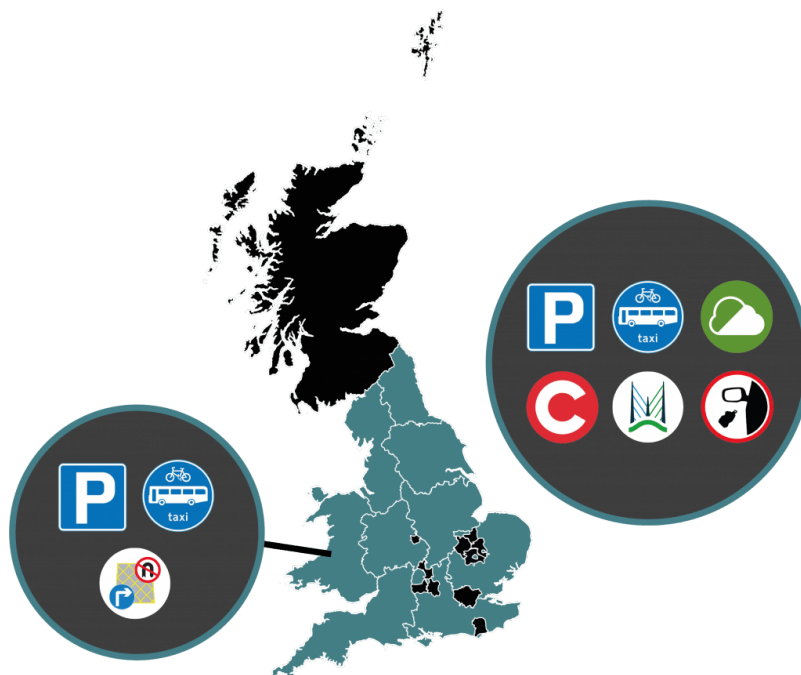
Appendix: TPT Background

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

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

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

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



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

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

Response to:

Ministry of Justice

Dispute Resolution in England and Wales consultation

Submitted by:



**Traffic Penalty
Tribunal**

England and Wales

Traffic Penalty Tribunal

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Introduction to our response

In response to this consultation, we have enclosed a paper detailing the Traffic Penalty Tribunal's Fast Online Appeals Management (FOAM) system. This paper covers in detail many of the separate questions asked in the consultation; however, we have also responded to some of the individual questions in brief below.

We have also indicated that we would be pleased to share our anonymised data or to answer any follow up queries that may arise.

1. Drivers of engagement and settlement

1. Do you have evidence of how the characteristics of parties and the type of dispute affect motivation and engagement to participate in dispute resolution processes?

Please see our enclosed paper (from Page 7 onwards).

2. Do you have any experience or evidence of the types of incentives that help motivate parties to participate in dispute resolution processes? Do you have evidence of what does not work?

In our experience, the greatest incentives to the parties are:

- frictionless processes
- clear information and instructions
- a swift outcome
- design that mirrors their everyday use of technology
- user surveys, where people can read of other's experiences.

It is also critical to pay as much attention to the respondent, whether a corporate respondent or an individual. Furthermore, it is enabling the respondent to deal with the case quickly and easily that drives the pace of the process. Finally, it is detrimental to an online process to incorporate time limits from regulations written for a paper and postal process (a common mistake by lawyers applying timescales written for a bygone era). For example, it is counter-intuitive to an online process to allow 28 days to respond.

6. In your experience, at what points in the development of a dispute could extra support and information be targeted to incentivise a resolution outside of court? What type of dispute does your experience relate to?

- Clear and helpful information at the start.
- Case management from the outset to clarify the issues. For example, many of the cases at the TPT involve sold vehicles – the appellant not being liable for the penalty. The admin team identify these cases as they come in and send a message, approved by the Adjudicators, setting out the different types of evidence that can be produced to establish change of vehicle ownership.
- Where possible, logging the completion or performance of the outcome before closing the case is an incentive to the parties to take a pragmatic approach. With TPT's road user charging appeals (e.g. from the Dartford-Thurrock River Crossing ['Dart Charge'] scheme), there is often agreement that the appellant should pay only a proportion of a number of penalty charges, or just the unpaid road user charge. The authority will give instructions for payment and confirm in a message when it is paid. The case is then closed with a Consent Order, which includes the list of the penalty charges that have been cancelled to avoid further confusion. For the Tribunal to oversee completion, the payment is an incentive for the authority to cooperate with a mediated solution.
- The Tribunal keeping the case open until the payment is confirmed provides an incentive for the authority to cooperate with a mediated solution.

7. Do you have any evidence about common misconceptions by parties involved in dispute resolution processes? Are there examples of how these can be mitigated?

The challenge is to explain what the decision-making body can and cannot consider, but without putting off those who may have a genuine case but who may be unclear as to how to present it.

Before the TPT adopted its online system, there was a fair number of disappointed appellants who had lost their case and demanded to go to 'a real court', However, unexpectedly, these reactions have virtually stopped since we adopted our online process, probably because the process is so transparent and easy, and the parties understand at each stage what to expect.

2. Quality and outcomes

8. Do you have evidence about whether dispute resolution processes can achieve better outcomes or not in comparison to those achieved through the courts?

- Properly designed digital processes will process a significant amount of data, enabling proper assessment of outcomes. The data can be interrogated to supply information about a range of enquiries and comparators. At TPT, we use the software platform, Tableau, to produce both regular and one-off reports. Linda Mulcahy, Professor of Socio-Legal Studies and Director of the Centre for Socio-Legal Studies at the University of Oxford is currently undertaking research into the efficacy and impact of the TPT's online appeals management system by utilising these data reports.

- A swift process with real-time communication can enable the decision body to oversee performance of an outcome before the case is closed. See our answer to Question 6.

9. Do you have evidence of where settlements reached in dispute resolution processes were more or less likely to fully resolve the problem and help avoid further problems in future?

Please see our enclosed paper (from Page 7 onwards, but notably Section 2.4. of the paper).

- Through communicating with the parties through messaging within the online appeals management system, the case can be triaged, dealing with different issues in the manner best suited to the parties. Appellants often raise problems that are not really related to the issue in the case, but that matter a lot to them. These issues can be addressed using messaging during a case without them having to complicate the final decision having to dismiss these irrelevancies.
- Importantly, because of the speed of TPT's online process, misunderstandings can be explained without the problem being continually replicated while a Tribunal decision is awaited. This means that authorities can adjust their processes where a flaw has been identified and the motorist understands what to do or not in a similar situation.

10. How can we assess the quality of case outcomes across different jurisdictions using dispute resolution mechanisms, by case types for example, and for the individuals and organisations involved?

Data. See answer to Question 8.

11. What would increase the take up of dispute resolution processes? What impact would a greater degree of compulsion to resolve disputes outside court have? Please provide evidence to support your view.

- Well-designed frictionless systems.
- Timely decisions.
- Trust that the mediator / decision maker /neutral is qualified and understands the area of the matters involved in the dispute. This particularly applies to corporate or institutional respondents, who need to trust that the neutrals are up to speed with their industries / regulations, etc. Recent reports concerning some of the ombudsman schemes have raised this point.

12. Do you have evidence of how unrepresented parties are affected in dispute resolution processes such as mediation and conciliation?

Few of the TPT appellants are represented. The Adjudicators are more knowledgeable about our areas of law than most of the representatives who purport to represent appellants. The key to successful dispute resolution is to have well-trained and knowledgeable neutrals.

13. Do you have evidence of negative impacts or unintended consequences associated with dispute resolution schemes? Do you have evidence of how they were mitigated and how?

- A general criticism of mediation schemes is that they can sometimes focus on a compromised resolution, where a decisive judgment is called for. Care needs to be taken with setting objectives and targets that can over-encourage compromised resolution.
- At the TPT, we have designed and implemented the functionality to deal with the post-decision internal review process provided for in our regulations within the online process. This has made it simple for either party to make an application directly through the online case file. However, we may have made it too simple, because we are now monitoring the incidences of 'knee-jerk' applications - typically made by appellants within minutes of them reading an unfavourable decision. We are exploring building in a 'cooling off' period of, say, 24 hours, so that the disappointed party will have to log-in to their case again the next day to apply for a review.

14. Do you have evidence of how frequently dispute resolution settlements are complied with, or not? In situations where the agreement was not complied with, how was that resolved?

A well-designed digital system can include an outcome monitoring process. For further reference, see answer to Question 6 above.

15. Do you have any summary of management information or other (anonymised) data you would be willing to share about your dispute resolution processes and outcomes? This could cover volumes of appointments and settlements, client groups, types of dispute, and outcomes. If yes, please provide details of what you have available and we may follow up with you.

The TPT has a wide range and quantity of data for many of these areas. As referenced in the answer to Question 8 above, Professor Linda Mulcahy and her team at the University of Oxford are currently working on a report using a large amount of TPT data. We are happy to work with other organisations who would find our anonymised data helpful.

4. Financial and economic costs/benefits of dispute resolution systems

Both the local authority respondent and the TPT itself have seen significant savings since the introduction of the online appeals management system. For example, at the last review we undertook, our workload had increased by 85% while our variable costs had dropped by 62%. The authorities reported immediate savings of over £150 per case when the online system first went live five years ago.

It is important to state that there is no cost to the appellant for using the online system and dealing with their case takes little time.

5. Technology infrastructure

26. Do you have evidence of how and to what extent technology has played an effective role in dispute resolution processes for citizens or businesses?

Please see our enclosed paper (from Page 7 onwards).

27. Do you have evidence on the relative effectiveness of different technologies to facilitate dispute resolution? What works well for different types of disputes?

It is clear that all disputes benefit from an end-to-end, digital online case management system, however the dispute is ultimately resolved.

28. Do you have evidence of how technology has caused barriers in resolving disputes?

Barriers are caused if a different system is maintained for those users who cannot or prefer not to engage with the online system. The Driver and Vehicle Licensing Agency (DVLA) is the classic case of where online applications are dealt with swiftly, but applications sent by post take up to six weeks to process.

For the small percentage of people who do find it initially difficult to go online, the TPT Customer Liaison team provides support to 'walk through' the online appeal submission process and / or complete an appeal on their behalf (by 'proxy'). Our team enters a 'proxy case' (submitted by post, emailed or taken over the phone, as required) the same day and it follows the same path as cases submitted by appellants themselves. In our experience, if the dispute is about a failure of technology (many of our cases involve the use of authorities' online payment systems, where a payment has failed), the appellant may be hesitant to trust our own online appeals system.

29. Do you have evidence of how an online dispute resolution platform has been developed to continue to keep pace with technological advancement?

The TPT's online appeals management system is regularly updated; for example, to incorporate video hearings and Live Chat.

6. Public Sector Equality Duty

31. Do you have any evidence on how protected characteristics and socio-demographic differences impact upon interactions with dispute resolution processes?

At the TPT, the Customer Liaison staff peruse all cases for indications of vulnerability or a protected status. This could be done by using technology to analyse the language used by appellants, but at the moment a human eye and mind is preferred.

32. Do you have any evidence on issues associated with population-level differences, experiences and inequalities that should be taken into consideration?

Please see our enclosed paper (from Page 7 onwards, but notably Section 2.6. of the paper). We track postcodes against various differences, including digital exclusion.

1. Traffic Penalty Tribunal overview

The Traffic Penalty Tribunal (TPT) decides motorists' appeals against Penalty Charge Notices (PCNs), issued by local authorities and charging authorities in England (outside London) and Wales, for parking and traffic contraventions. It is not 'alternative', but a regulatory tribunal established by legislation and provided by local government.

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

The TPT Adjudicators also decide appeals against penalties from a number of other road user charging schemes in England, including the Dartford-Thurrock River Crossing ('Dart Charge') scheme, the Mersey Gateway Bridge Crossings ('Merseyflow') scheme and the Durham Road User Charge Zone ('Congestion Charge').

Appeals to the TPT are decided by 24 part-time Adjudicators: all wholly independent lawyers, whose appointments are subject to the consent of the Lord Chancellor. The Chief Adjudicator is Caroline Sheppard OBE. The Adjudicators are supported by a small team of administrative staff, working remotely, who provide customer support to appellants and help manage appeals.

- The TPT decides appeals against ~35,000 PCNs each year. More than 95% of all appeals submitted to the Tribunal are completed end-to-end through an online appeals management system.
- Appellants not able to get online receive Assisted Digital support from the TPT's support team by phone, Live Chat or post to complete appeals 'by proxy'.
- The online appeals system and associated business processes represent a 'digital-by-design' approach to dispute resolution, held up as an international exemplar by senior members of the judiciary, leading academics and legal commentators.

Professor Richard Susskind, the world's most cited author on the future of legal services, has described the TPT as having 'the longest standing online public dispute resolution system.'

- The majority of cases are decided by Adjudicators on the basis of uploaded evidence, with Telephone and Video Hearings available if necessary, while instant messaging and Live Chat are available for communication by the parties throughout a case.
- Typically, more than half of cases submitted are completed within 14 days, with nearly three quarters within 28 days. As many as 12% are closed within a day.

The efficiency of the online system and transformed business processes, which resulted from an organisation-wide Digital Transformation, have inevitably also brought about significant savings for local authorities and the Tribunal, in terms of operational costs.

The independent TPT is funded by a Joint Committee of 300+ civil enforcement authorities in England (outside London) and Wales, which are fulfilling a statutory duty to create a Joint Committee to make provision for independent adjudication. This Joint Committee is known as PATROL (Parking and Traffic Regulations Outside London).

2. Fast Online Appeals Management (FOAM) System: Principles and key features

While the TPT's Fast Online Appeals Management (FOAM) system deals with parking and traffic appeals, the fundamental principles are the same as those of any dispute resolution system. The workflow is pretty much the same for any dispute, with the time limits capable of being varied and configured depending on the procedure and process.

- Appellant / claimant form and uploads.
- Respondent dashboard, where details of the claim / appeal are confirmed and evidence uploaded.
- Dashboards for the appellants (corporate appellants such as hire companies find this particularly useful), Adjudicators and the admin.
- Case progression through various statuses, such as 'awaiting evidence', 'awaiting decision', 'awaiting hearing', 'refer to adjudicator', etc.
- Filtering and sorting.
- Clear display of each party's evidence, with commenting facility for either party or the Adjudicator.
- Facility for 'proxy' appeals – for appellants unable or unwilling to use the online system to have their appeals completed for them by the admin team, with correspondence usually offline by phone or post.
- Messaging between the parties, the adjudicator and the admin.
- Notifications (in the case of TPT, email, but could be SMS).
- Online decision entering by the Adjudicator /judge / neutral.
- Decision viewed online, with PDF download.
- Review process (we have provision in our regulations for an internal review – it is applied for online, processed and determined within the case system).
- Automated archiving of evidence in accordance with GDPR.
- Full case history, showing every action by the parties, admin, the Adjudicator and the system itself.

The TPT's system is only traffic-specific insofar as vehicle registration numbers, authority prefixes and penalty charge reference numbers drive the workflow.

This specific, indicative type of data would form part of any processing system. For example, some time ago we ran a trial with representatives from the Government using some social security cases through our test system. We included dummy National Insurance Numbers instead of vehicle registration numbers and changed 'bus lane' to 'disability living allowance'. It worked well enough to see how it could clearly be adapted for such a use.

2.1. The enabling power of technology

The use of technology transforms dispute resolution in many ways. It doesn't just facilitate access: by removing the bureaucratic friction from the process, increasing the speed at which a case is progressed and incorporating communication channels that mirror the parties' day-to-day lives, the focus shifts to the matter of the dispute, without the frustration and exasperation of delay and form-filling.

It is essential that the processes are well-designed using up-to-date user/customer experience (UX and CX) methods and research. Lawyers and courts are notoriously bad at technical design, but they need to work side by side with systems architects through a cooperative and responsive approach to ensure the process is designed and delivered to meet the needs of all users.

The Traffic Penalty Tribunal is a regulatory tribunal, so not 'alternative', but the parties engage with the Tribunal online through their browser, using a variety of devices, including smartphones. In submitting an appeal, the appellant can dictate what they want to say and can upload screenshots and photographs (of documents, for example), directly into their case. They can see the other side's evidence and comment on each item. The parties can send messages, as can the Adjudicator, contributing, again, to the enabling approach of technology that focuses on the issue being decided.

All cases are decided by the Adjudicator, who writes short reasons designed to be read on screen. The decision screen is headed 'You have won your appeal' or 'You have lost your appeal'. The only automated outcome is where the respondent authority decides not to contest the case, in which case they give a short explanation and press a 'no contest' button. The system then sends a notification to the appellant explaining they have won their appeal and the case is closed. This usually happens the same day the appeal is submitted.

2.2. Going 'Digital' is not all about technology

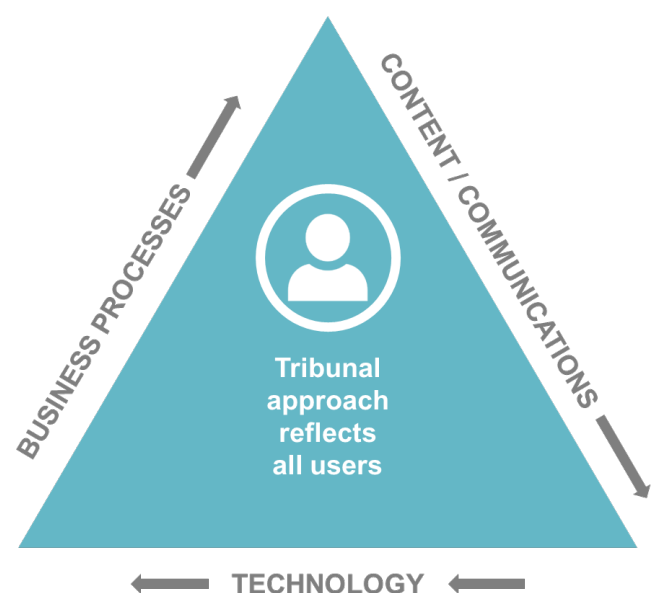
Despite the advances digital transformation has brought to the service offering of the TPT, at the heart of the organisation's culture has always been the belief that that embracing new technologies must be accompanied by a thorough review of business processes, always keeping the end user at the centre and keeping customer service and transparent communication at the forefront.

Content / communications

All content and communications must explain how appellants can correctly engage with the process. Signposting ensures appellants appeal initially to the local authority and understand that TPT is always the last resort. This in turn frees up time for administrative staff to assist appellants who have already exhausted the local authority appeals process.

Business processes

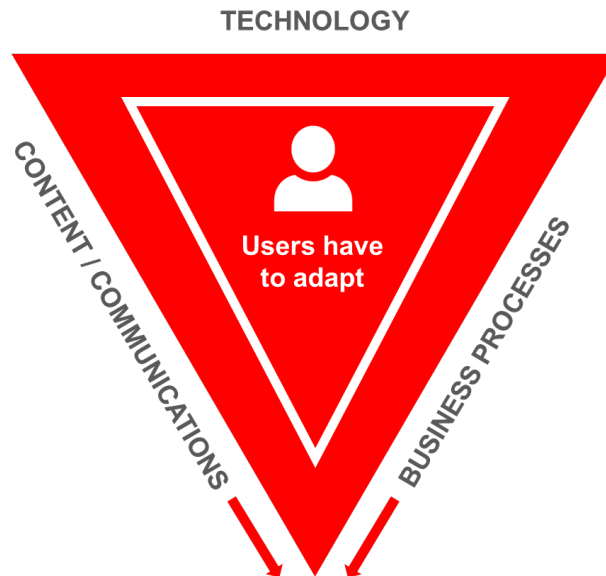
Understanding the needs of appellants and respondents, and how these needs can be matched by a clear, transparent, and expedited appeals process is vital to avoid frustration and further unnecessary complaints.



Technology

Underpinning content, communications and business processes is the digital platform itself, serving as the bedrock of the appeals process. The platform brings together the communications and business processes into a transformed holistic user experience.

Don't fall for the 'Techies Triangle'...!



2.3. Keeping on top of your 'Supply Chain' key

Online digital case management is crucial for all disputes, however serious or complex. The ability to communicate with parties and obtain a swift outcome promotes trust and confidence in the process and enhances respect for the decision. When the parties are aggravated by delay and complex processes, they lose faith in the system and the authority of the resolution process.

Even where lengthy hearings are needed, a digital processing system and channels of communication mean that the procedural details can be resolved in advance and the dispute triaged so that the hearing focuses efficiently on the matters that cannot be dealt with through messaging and directions.

One of the key triumphs of the TPT's FOAM system is the way in which its workflow aligns with the system processes of the respondent enforcement authorities, which are party to the 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, 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. At a more granular level, engagement throughout the development process helped to ensure specific functionality of the system dovetailed with authorities' practice and processes:

Shared PIN code

To register an appeal through the FOAM system, appellants are provided with a unique PIN code. This is mapped to the Penalty Charge Notice (PCN) number originally issued by the authority and provided in the Notice of Rejection (NoR) of Representations issued following initial unsuccessful representations to the authority. The NoR letter introduces the TPT and provides instructions on how to appeal online using the PIN code.

Once an appellant has registered an appeal, the authority is notified automatically and provides authentication for the case to proceed. The authority retains visibility of the appeal, responding through a bespoke case management dashboard.

Digital Traffic Regulation Order (TRO) Library

TRO documents – each local authority’s traffic bylaws – are provided by authorities and hosted online by the TPT. The library is synced into FOAM for quick reference and document linking throughout the evidence submission and decision making process.

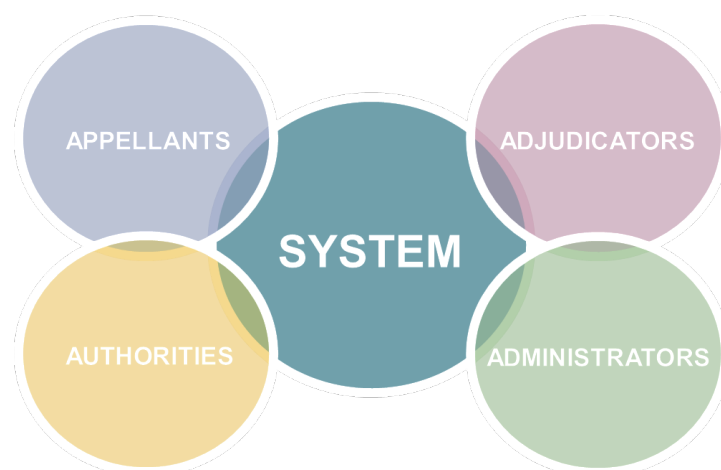
‘Triage questioning’ for appellants during the appeal registration process, developed through insight into enforcement authority processes.

A further critical strand of the pathfinder workshops conducted with the ‘early adopter’ local authorities was to clearly outline an end-to-end process of the civil enforcement journey at an early stage. The establishment of an accurate end-to-end journey would define the development of FOAM, allowing for the creation of a system that takes its users through the civil enforcement process seamlessly, most notably in terms of interactions with local authority systems and processes.

Consequently, there was no requirement to make assumptions at earlier stages of development and the FOAM system could be rolled-out in a phased Agile approach, but with the crucial difference that each phase constituted a step in the end-to-end journey. When the ‘beta’ system was available, it was also invaluable to have authorities involved in the project to road-test the system. Development of the FOAM system was then continued in response to user experience.

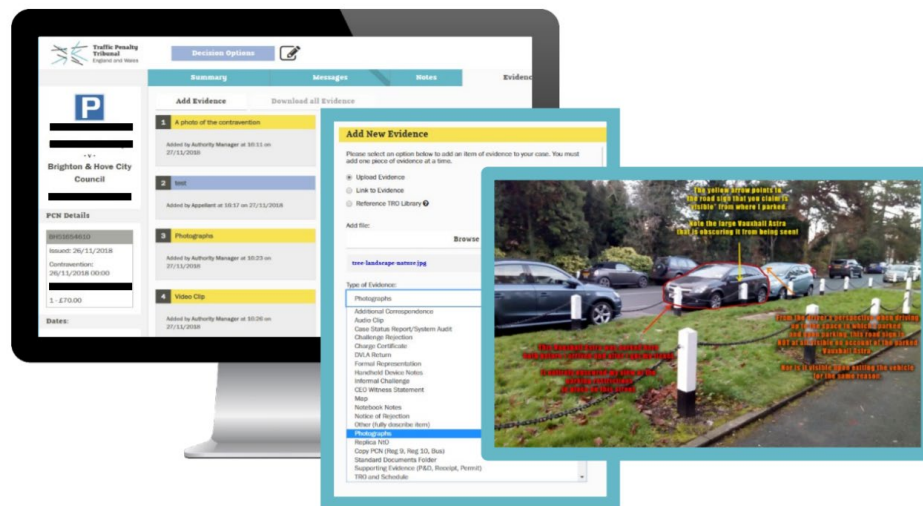
2.4. Resolution through a continuous, virtual hearing

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.

Judge John Aitken, Social Entitlement Chamber President, discussed the 'continuous online hearing' process of the TPT as the 'holy grail' of administrative justice reform – at the Administrative Justice Council Academic Panel in February 2019. He described it as '*...quicker and less expensive inquisitorial process that provides better feedback to departments on improving decision-making behaviour*'.

Leading legal commentator, Professor Richard Susskind, said in 2018: '*...the Traffic Penalty Tribunal is a pioneer of online judging, using a form of continuous hearing that is planned to lie at the heart of tribunal work.*'

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.
- **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.

A number of example cases that have involved the use of messaging either to resolve issues within, or to come to a final decision on an appeal, are included below:

- **BM00342-2108:** Asking focused questions, leading to the council not contesting the appeal.
- **TW00004-2107:** Asking the parties about an apparent dispute of fact between them. In their replies, they clarified their case and this resolved the issue of fact. The Adjudicator then applied the resolved fact to decide the case.
- **YD00003-2101:** Message sent to the authority with two questions relevant to deciding if the contravention was proved; and if so, if they would agree to the appellant's request to have another chance to pay the reduced 50% penalty. This case was subsequently resolved by consent.
- **LQ00202-2108:** Detailed directions attached by message to the authority, inviting them to use their discretion to cancel the PCN, given the introduction of a new bus lane barring access to a vehicle gate at the rear of the appellant's business premises. The authority agreed to cancel the PCN and provided information to the appellant about applying for an exemption. This case was subsequently resolved by consent.
- **Clean Air Zone cases**
The messaging facility has enabled the parties, guided by the Adjudicator, to clarify misunderstandings – by either party – and for the charging authority to give clear instructions for payment of the charge to settle the case. The case is closed when payment has been confirmed, thereby bringing finality as well as understanding and acceptance of the new scheme.

2.5. Telephone and Video Hearings

Hearings – where both parties to an appeal have an opportunity to put forward their case to an Adjudicator – 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 both parties have submitted the evidence in a case to FOAM 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 or Video Hearing:** Once the authority evidence is submitted, the motorist can ask for tele- or video-conference with the Adjudicator, with an authority representative usually taking part. Telephone / Video Hearings have replaced Face-to-Face Hearings as the primary TPT 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.

Video hearings are now the most satisfactory form of hearing because the adjudicator can share their screen showing the particular item of evidence being discussed from the FOAM case; for example, the CCTV of a bus lane contravention.

The table below shows a breakdown of the decision methods that were selected by appellants between 1 April and 31 August 2021/22. Figures for the same period in 2020/21 are shown for comparison.

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

Enabling users to self-connect to hearings

During the pandemic lockdowns, the TPT undertook a wholesale review of the processes around hearings. It became apparent that an unexpected consequence of the COVID restrictions was that families became used to communicating by video technology, often in groups for, say, a quiz. The review set the objectives of:

- allowing those appellants and authorities who are able and wish to connect themselves to hearings to do so
- improving the appellant and authority user experience and communications for hearings scheduling
- streamlining TPT administrative procedures for scheduling, booking and connecting hearings.

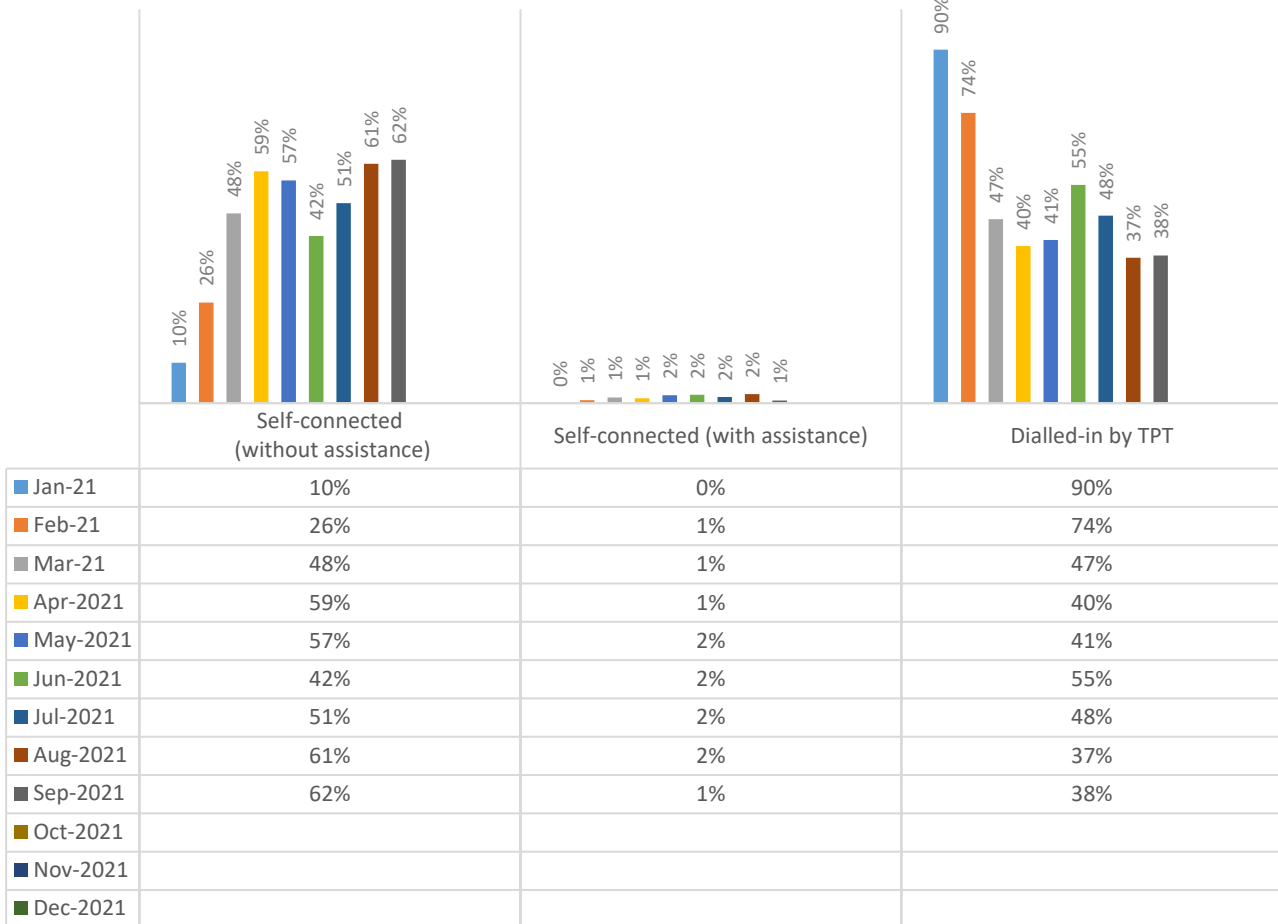
The project was started with a particular eye on the likely increased caseloads to come from appeals from Clean Air Zone schemes, which launched in March 2021, and local authorities in England (outside London) being granted moving traffic enforcement powers (expected from December 2021).

New processes as a result of the hearings project include:

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

- a new online availability tool for Adjudicators to inform the Customer Liaison team when scheduling hearings.

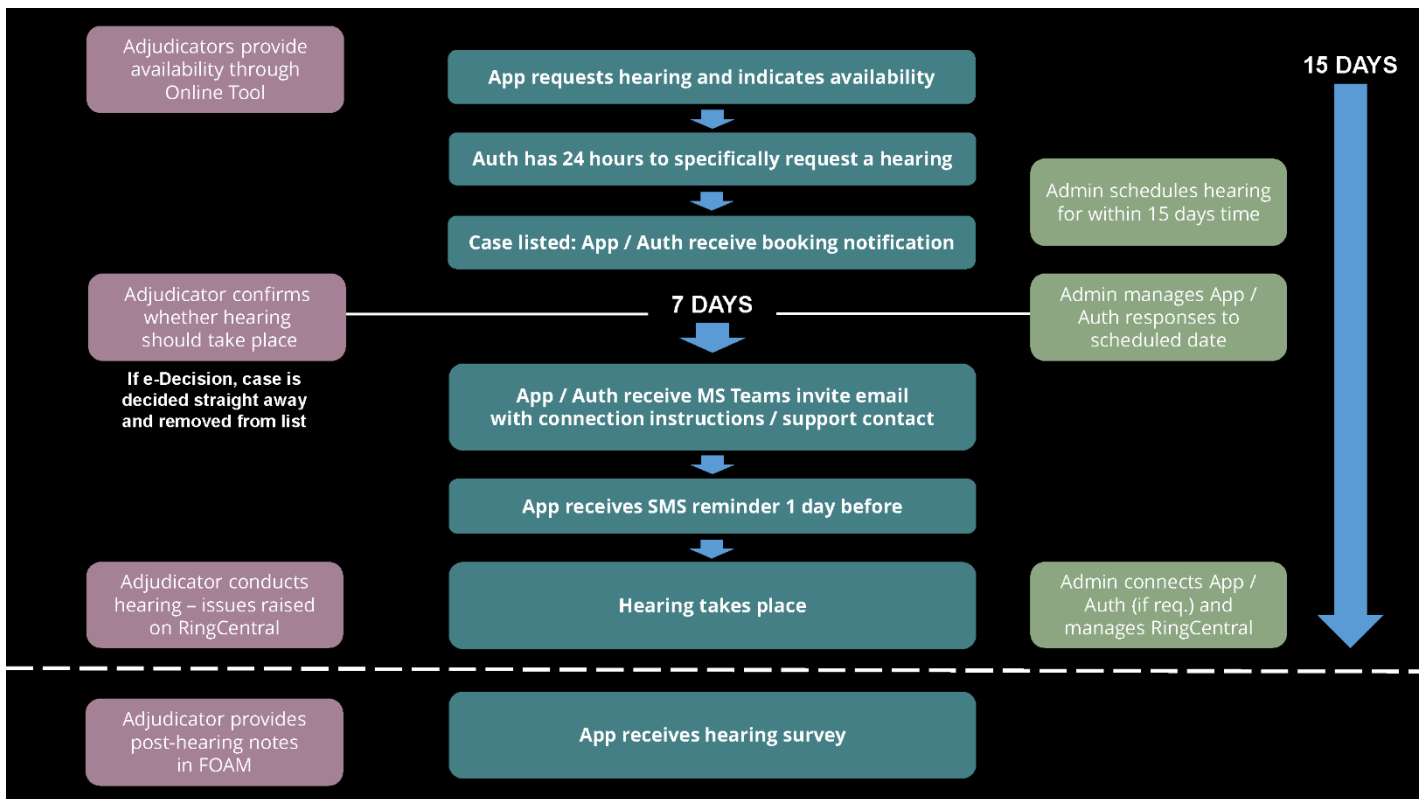
Following implementation of the new processes in March 2021, over 60% of Appellants are now self-connecting to their hearings (see below).



The timescales for scheduling hearings have also reduced significantly. As of the end of September 2021:

- a hearing date is being scheduled within seven days of request in 96% of cases.
 - in the month immediately prior to the new processes being implemented (April 2021), hearings were being arranged within seven days in only 53% of cases (this figure was 70% of cases throughout 2019 – the last 'normal' operating year before COVID disruption).
- hearings are taking place within 28 days of the request being made in 82% of cases.
 - in the month immediately prior to the new processes being implemented (April 2021), hearings were being arranged and held within 28 days in only 56% of cases (this figure was 70% of cases throughout 2019 – the last 'normal' operating year before COVID disruption).

TPT Hearings booking process



563 responses to the post-hearing survey have been received since May 2021, with an average response rate of 25% – this is significantly higher than the 10-15% average expected of an external survey. The team continues to assess feedback and insights from the survey, in order to continue improving the service.

2.6. 'Proxy' (offline appellant) cases

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

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

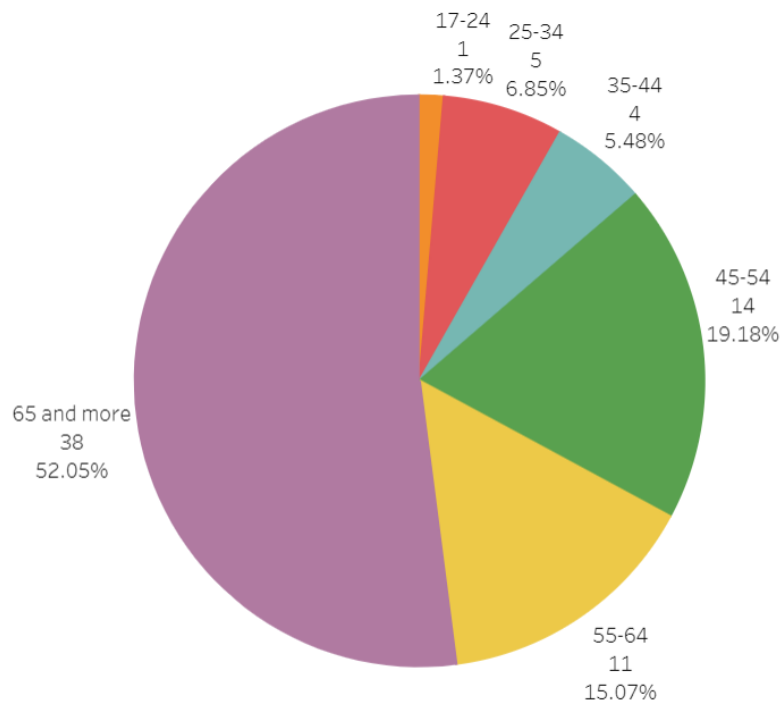
This support has taken on a greater significance during the COVID-19 period. With TPT staff now working entirely remotely, efforts have been made to help those not appealing online still further, with cases being registered over the phone, rather than by post (in order to restrict the level of incoming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

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

It is perhaps not surprising that nearly 70% of proxy cases involve appellants with an age of 55 or more (see below) – 91% of UK non-internet users fall into this same age bracket (ONS, 2018).

That an average of less than 5% of all cases the TPT decides are proxy cases, and of these cases the highest percentage age bracket that is assisted through the appeals process is the same one that is most 'digitally excluded' is testament to the enabling and inclusive system and processes in place.

**Age brackets of TPT proxy appellants (all decisions)
(Apr–Aug 2021/22)**



Similarly, postcode areas with the highest number of TPT proxy appellants are located in some of the most 'digitally excluded' regions in the UK according to ONS data.

Postcodes with highest number of TPT proxy appeals (all-time data)

- NG5, NG7, NG8, NG11 (Nottingham) – 312 appeals.
- MK10, MK14 (Milton Keynes) – 173 appeals.
- BN2, BN3 (Brighton) – 145 appeals.
- GU11 (Aldershot) – 122 appeals.
- CF5 (Cardiff) – 103 appeals.
- PE1 (Peterborough) – 84 appeals.
- BD9 (Bradford) – 79 appeals.
- LE2 (Leicester) – 75 appeals.

Furthermore, following initial contact with the TPT Customer Liaison team, an average of 5% of new proxy cases are actually converted into true online cases – i.e. the appellant takes on the management of their own case online through to completion.

This consultative approach to offline appellants demonstrates that it is not the technology that creates barriers. In all processes there are barriers, such as language and literacy; the failure comes instead from organisations not providing alternative channels of communication, sufficient helplines and trained personnel to deal with queries and guide 'offline' users through the process.

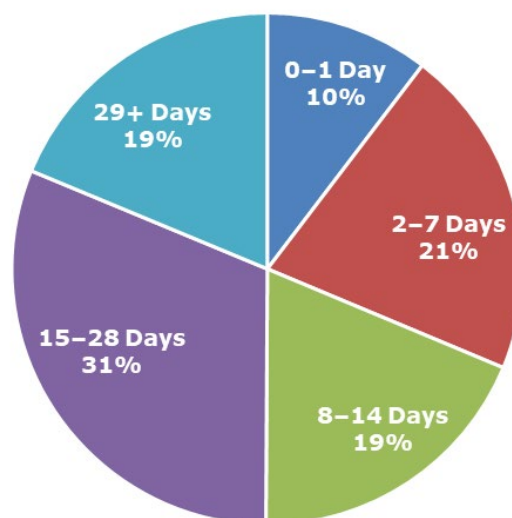
It is crucial that every case is processed in a digital system to enable the other party and the decision-makers to deal with the case, but this cannot take place without sufficient personnel and channels for those who cannot or prefer not to manage their case themselves online.

We recognise that we do not have data on people who would like to appeal but are daunted, see no point, or have not realised that help is at hand. In the past, Professor John Raine of the University of Birmingham has conducted two surveys of people who received a Notice of Rejection of Representations from a local authority after challenging a penalty, but did not go on to appeal to the Traffic Penalty Tribunal. These, however, were before the TPT adopted the online FOAM system (the findings of the second survey were used in designing the system). It is now time to commission some up-to-date research.

2.7. Case Closure

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

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



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

Decisions and Reviews

Following the appellant deciding on 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.

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.
- The 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.

Less than 3% of cases decided by the TPT result in a review application, and only 0.2% of cases result in a different outcome, following a review

This efficiency has had a significant impact on the ability of the TPT to increase its workload while also being able to reduce its variable costs since the launch of the FOAM system.

The adoption of online systems since the digital transformation first began, culminating in FOAM, has allowed the TPT to regularly absorb and scale to the workload associated with the arrival of new traffic enforcement schemes and consequential appeals. This has been achieved without the need for additional staff or resources.

Meanwhile, increasing numbers of the motoring public are benefitting from the swift, simple straight-forward appeals process, which fosters trust in the civil enforcement schemes.

This year, for example, the TPT has taken on appeals resulting from the roll-out of Clean Air Zones (CAZs) in cities in England (outside London). These schemes have already seen significant numbers of penalty charge notices issued. Because CAZs are new and novel schemes, the oversight from Adjudicators by engaging the parties through the FOAM system messaging facility has resulted in a predominance of consent orders, where the charging authority and the motorist have gained early insight into the process and impact of the new scheme.

The transformed TPT business processes have resulted in significant financial savings for local authorities and the TPT, in terms of operational costs.

2.8. Lessons learned and ongoing evaluation

Despite the clear positive impact to the user experience, operational efficiency and costs associated with the processing of parking and traffic penalty appeals, the TPT is not standing still in its journey to refine and improve its service offering. Taking forward the lessons learned throughout its continuous digital transformation, the TPT continues to engage with its stakeholders – primarily the appellants who have come through the online appeals process and the enforcement authorities – but also looking internally to the experiences of administrative staff and Adjudicators.

Projects focused on refining the user experience of the FOAM system and related touchpoints of the appeals process are continuing. We also continually 'boundary span' for best practice in the private sector. For example, we participate in events at the Henley Business School Centre for Customer Excellence to learn what new features are being developed in the commercial world that could be adopted to improve the TPT user experience.

Professor Moira Clarke at Henley is currently undergoing research into the difficulties vulnerable and disadvantaged people experience with online processes. Research into consumer experiences is invaluable in designing service provision for dispute resolution.

Key lessons learned to date

- Technology must be accompanied by a thorough review of business processes and content / communications. Processes need to be efficient and designed to complement a digitised approach.
- Do not underestimate the 'human touch'. Technology should be used to free-up more time to provide human customer service, where required. In this way, both online appellants and those less comfortable with technology can receive a high quality service.
- Avoid data migration. Cases are finite, so old systems can be closed off and archived (like the legal registers of old). Not having to migrate data removes one of the most popular obstacles of new IT systems and retaining multiple systems can feed positively into the ongoing change process.
- An end-to-end process must be established before launch: dispute resolution is an interactive process between two parties. Development can then continue in response to user experience.
- Select committed stakeholders who share the vision. Close alignment and synchronisation with key stakeholders, particularly enforcement authorities, was critical to the nuanced functionality of the FOAM system.

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

Date of meeting: 25th January 2022

Report of the Director

PATROL

Public Affairs Update: To 1 December 2021

1. PATROL meetings

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

2. Current traffic management issues

a. Pavement Parking

- **Wales:** The Welsh Government announced in July that pavement parking is set to be banned in Wales 'wherever possible'. The policy forms part of the Government's new legislative programme, which will also see an introduction of a new 20mph default speed limit in residential areas. PATROL continues to support the Welsh Government, as required, on its implementation of pavement parking enforcement measures.
- **England (outside London):** PATROL continues to await an update from the Department for Transport (DfT) following its recent consultation. The DfT has confirmed that analysis of submissions is now complete and a ministerial decision is now pending over whether to opt for a new civil offence of 'Unnecessary obstruction of the pavement' or a nationwide ban on pavement parking.

b. Moving Traffic Powers in England (outside London)

English authorities outside London set to be granted powers from February 2022

Baroness Vere, Parliamentary Under Secretary of State at the Department for Transport (DfT) – whose portfolio includes roads and buses stated in June that the Government will be granting moving traffic powers to authorities in England (outside London). This would be achieved through the full implementation of the Part 6 powers of the *Traffic Management Act 2004* ('TMA').

- The date was later confirmed as February 2022 by Sally Gibbons, Head of Traffic Signs and Street Design Policy at the DfT. Ms. Gibbons indicated that she expected the first wave of authorities to be designated a few months after that.
- Tony Page, Chair of the PATROL Bus Lane Adjudication Service Joint Committee (BLASJC) wrote to the Minister in July to propose a solution to help expedite the implementation by fast-tracking the powers to authorities already enforcing bus lane restrictions. He also stated the benefits of bringing bus lane enforcement powers under the TMA.
- The Department subsequently issued an Advice Note to local authorities on how to prepare their applications for acquiring the new moving traffic powers, including a set of prerequisites that are expected to be met before applications are submitted.
- A set of regulations giving effect to the Part 6 powers is expected to be published in early 2022. This will be accompanied by *Statutory Guidance to Local Authorities on Bus Lane and Moving Traffic Enforcement Outside London*.

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

- The Ministry of Housing, Communities and Local Government (MHCLG)'s latest consultation on private parking (*Private parking charges, discount rates, debt collection fees and appeals charter: further technical consultation*): <https://www.gov.uk/government/consultations/private-parking-charges-discount-rates-debt-collection-fees-and-appeals-charter-further-technical-consultation/private-parking-charges-discount-rates-debt-collection-fees-and-appeals-charter-further-technical-consultation>) concluded on 27 August 2021.
 - PATROL submitted a response to the consultation, which can be accessed at: https://www.patrol-uk.info/wp-content/uploads/2021/09/Private-parking-charges-discount-rates-debt-collection-fees-and-appeals-charter-PATROL-Response_270821.pdf.
- The Housing, Communities and Local Government Committee held a formal meeting (oral evidence session) on the proposed new Code of Practice for private parking on 17 November. This session was attended by representatives from the operators, bailiffs, an existing appeals service and the British Parking Association, as well as the RAC Foundation and the AA.
Watch a video of the meeting at:
<https://parliamentlive.tv/event/index/2d2a2a1e-7680-464e-9c61-5fc9a2eb56a1>.

- PATROL will continue to engage with MHCLG to keep abreast of the consultation outcome and be of any further assistance throughout the Department's planned 'discovery' phase, which will include an assessment of potential providers of the planned appeals service.

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

- **PATROL EV Online Workshop, Tuesday 2 November:**
PATROL hosted this well-attended event over Microsoft Teams. Key discussions / outputs of the meeting included:
 - Edward Nelson, Head of Local Delivery at the Office for Zero Emission Vehicles (OZEV), highlighted the 'on-street challenge' as a current barrier to mass adoption of EVs, with 30-40% of UK residents being without a driveway to charge their vehicle overnight and needing to rely on infrastructure on the pavement. Local authorities, Nelson said, are key in providing the infrastructure required to bridge the gap and said that detailed guidance on the installation of charge points in communities would be released by OZEV in 2022. Nelson also stressed the importance of ensuring joined-up, holistic strategies are in place, with the inclusion of all local stakeholders, to ensure an effective localised solution to EV charging provision.
 - Richard Drew, Regional Account Manager at the Energy Saving Trust (EST), which provides free, impartial advice and information to English local authorities to help deliver their decarbonising transport and clean air projects, touched on the crucial behaviour change that needs to underpin the uptake of EVs. The thinking should not be around just replacing diesel and petrol cars like for like with EVs, but rather to encourage the use of zero emission vehicles as part of a wider ecosystem of cleaner, less congested travel. Local authorities can apply for funding to cover up to 75% of the costs of installing EV charging points in their community through the On-street Residential Chargepoint Scheme (ORCS), managed by the EST on behalf of OZEV.
 - Two local authorities in attendance at the workshop shared their experiences of building an EV charging infrastructure to date.
 - Brighton & Hove City Council has a large stock of terraced housing in its authority area with 54% of households without access to off-street parking. Paul Nicholls, Parking Strategy and Contracts Manager, discussed the extensive planning the council has carried out so far. This has included ensuring a broad range of resource and skills are in place to deliver, robust modelling on the current and future unmet need for charging is in place and the complexities in tendering for a charge point provider are well understood before proceeding. Nicholls also highlighted the council's work with the Behavioural Insights Team to utilise 'nudge' techniques in communications to the public to help increase uptake of EVs.
 - Fraser Crichton of Dundee City Council's Corporate Fleet Department stressed the importance of local leadership in encouraging EV adoption, which has included converting 25% of the council's corporate fleet to zero emission vehicles to date and a commitment to use only renewable sources of energy to power the

charging infrastructure rolled-out so far. This infrastructure includes 4 x EV 'Hubs' coupled with car parks across the city, all fitted with solar panels and, where possible, linked in to alternative onward travel options, such as rail or cycling, reducing reliance on cars and encouraging active travel.

Dundee has been branded 'Europe's Most Visionary EV City' by the World Electric Vehicle Association, with its 'pop-up' EV chargers (installed below street level) receiving high-profile press coverage in recent months. The council is currently planning for an 'integrated mobility' strategy for the landmark 150th anniversary Open Golf Championship in St Andrews taking place in June 2022, where attendees will be encouraged to choose from a range of zero emission options to travel to the event.

- Finally, Stephen Knapp, Deputy Chief Adjudicator of the Traffic Penalty Tribunal, presented a number of potential scenarios relating to the enforcement of EV parking / charging bays and highlighted the importance of ensuring effective signage and appropriate Traffic Regulation Orders (TROs) were in place.
- **19 October 2021 – Automated and Electric Vehicle Act report:** This report describes what the government has done since the *Automated and Electric Vehicles Act in 2018*. This act gave the government power to expand and improve the national electric vehicle charging infrastructure. The aim is to have a charging network that is convenient, easy to access and ready to support the mass adoption of electric vehicles. Access the report at: <https://www.gov.uk/government/publications/automated-and-electric-vehicle-act-report>.
- **19 October 2021 – Prime Minister's automotive roundtable:** The Prime Minister met with representatives for leading British and global companies in the automotive sector on 19 October to discuss the UK's electric vehicle revolution. Access an article on the roundtable at: <https://www.gov.uk/government/news/prime-ministers-automotive-roundtable-19-october-2021>
- **11 November – Office for Zero Emission Vehicles (OZEV)'s latest statistics on EV charging infrastructure:** <https://www.gov.uk/government/collections/electric-vehicle-charging-infrastructure-statistics>
- **22 November – Consultation outcome – *Electric vehicle charge points in residential and non-residential buildings*:** This consultation response defines the government proposals to mandate EV charging infrastructure in new homes, new non-residential buildings and, in some cases, when buildings are renovated.

The aim of the proposals is to ensure the transition to EVs is supported by extensive and accessible charging infrastructure. This response also details the government's final policies on the exemptions and technical details, such as charge point standards. Access the response document at:

<https://www.gov.uk/government/consultations/electric-vehicle-chargepoints-in-residential-and-non-residential-buildings#history>










e. Other recent Departmental news, consultations, publications and statements of interest

- Nothing to report at this time.

2. Roll-out of Clean Air Zones in England (outside London)

- The first Clean Air Zone (CAZ) launched in the city centre of Bath on 15 March 2021, with Birmingham following on 1 June (though enforcement was delayed during the initial launch period). The Portsmouth CAZ launch on 29 November.
- As of the end of October 2021, the Tribunal has received 1,267 CAZ appeals (~181 / month).
- PATROL has created a CAZ Implementation Forum to encourage local authorities, at different stages of implementing CAZ or Zero Emission Zone (ZEZ) schemes, to share their experiences and learnings with each other in a dedicated meeting. The next meeting will be held on **Thursday 9 December**.

Overview of confirmed local authority CAZ plans (as of 31 October 2021)

Location	Zone class	Current status
Bath		<ul style="list-style-type: none"> • Zone launched 15 March 2021.
Birmingham		<ul style="list-style-type: none"> • Zone launched 1 June 2021.
Portsmouth		<ul style="list-style-type: none"> • Zone launched 29 November 2021.
Bradford		<ul style="list-style-type: none"> • Launch expected 5 January 2022.
Oxford		<ul style="list-style-type: none"> • Pilot zone in heart of city centre expected February 2022.
Greater Manchester (Greater Manchester Combined Authority)		<ul style="list-style-type: none"> • Launch expected 30 May 2022 with the charging of HGVs and buses; other vehicles will follow in 2023.
Bristol		<ul style="list-style-type: none"> • Launch expected June 2022.
Newcastle, Gateshead and North Tyneside		<ul style="list-style-type: none"> • Launch expected July 2022.
Sheffield		<ul style="list-style-type: none"> • Launch expected Autumn 2022.

A more detailed status update on upcoming CAZ schemes can be found on the PATROL website at: <https://www.patrol-uk.info/charging-clean-air-zones-local-authority-plans>.

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

PATROL PACER Awards

Promoting Awareness of
Civil Enforcement through Reporting

The 2021 PACER Awards took place on Monday 25 October at the House of Commons.

- **Cheshire East Council** was the Overall Winner at the awards, which recognised 2019/20 Annual Reports. Award winners from last year's event were also present to collect their awards, due to the event having to be held digitally in 2020.
- The awards were presented by Huw Merriman, MP for Bexhill and Battle and Chair of the Transport Committee, who hosted the event. Baroness Vere of Norbiton, Parliamentary Under-Secretary of State at the Department for Transport, also attended the event and gave a speech.
- The other award winners for 2019/20 reports were as follows:
 - Highly Commended for Reporting: Customer Service
Dacorum Borough Council
 - Highly Commended for Reporting: Innovation and New Services
Derby City Council
 - Highly Commended for Reporting: Finance and Statistics
Devon County Council
 - Best use of Digital Channels
Chichester District Council
 - Best use of Design
North East Lincolnshire Council
 - Best Concise Report
Cumbria County Council
- Read more about the event and view photos of this year's winners in an article on the PATROL website at: <https://www.patrol-uk.info/cheshire-east-council-awarded-overall-winner-in-the-2021-patrol-pacer-awards/>.
- Authorities have until 31 March 2022 to submit their 2020/21 Annual Reports for next year's PACER Awards. Reports should be submitted to: info@patrol-uk.info.