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## REPORT FOR RESOLUTION

**SUBJECT:** Defraying the expenses of the Joint Committee 2011/12

**REPORT OF:** The Lead Officer

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### PURPOSE OF REPORT

To establish the basis for local authorities who are participating in the Joint Committee's arrangements to contribute to expenses during 2011/12.

### RECOMMENDATIONS

It is recommended that:

- (i) The Joint Committee shares its expenses between member authorities in proportion to the number of PCNs issued on the following basis for 2011/12:

ELEMENT	CHARGE
Annual Charge	£nil
Charge per PCN Issued	£0.65 pence
Charge per Adjudication Case with effect from	£5.00 in respect of non-electronic cases 1 <sup>st</sup> September 2011

- (ii) Local authorities are invoiced quarterly in advance based on estimated figures and subsequently adjusted.
- (iii) The Joint Committee reviews its predicted outturn at its meeting in January 2012 to assess the need for any adjustment in the final quarter.
- (iv) To note that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental cost of making a transcription from the audio recording of proceedings at a personal hearing is charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.

### FINANCIAL CONSEQUENCES FOR REVENUE BUDGET

It is intended that service will, in the long term, continue to be self financing as a result of contributions made from participating local authorities. The member authority contributions recommended for 2011/12 are with a view to the service continuing to be self-financing. The reserve (£729,468 at 31 March 2010) can be drawn upon in the event of the income not being sufficient to match the budgeted expenditure during 2011/12. No provision has been made in the 2011/12 budget for income arising from the per case charge.

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## 1.0 INTRODUCTION

- 1.1 An essential element for a local authority when adopting civil parking enforcement powers is the existence of a means to appeal to an independent parking adjudicator. Local authorities are required to fund adjudication as part of their powers.
- 1.2 The PATROL Adjudication Joint Committee agreement provides for the Committee to decide the cost sharing arrangements.

## 2.0 BACKGROUND

- 2.1 The PATROL agreement provides for the adjudication service to be operated on a self-financing basis with revenue obtained from contributions made by participating local authorities. An estimate has been made of the likely service take up during 2011/12. The level of contribution has been based on this predicted service activity. It is practice only to charge those enforcing authorities who manage the enforcement income stream.
- 2.2 The current level of appeals are on average at about the 0.3% level of the number of PCNs issued. For 2011/12 estimates have been based on this appeal rate and this has been reflected in the proposed contribution.
- 2.3 An undertaking was given to government in the run up to establishing the service that the service would be made available to all authorities in England [outside London] and Wales. In establishing the contribution and considering the options for recommendation the Advisory Board have been mindful of the need to ensure that the contributions are both equitable and not prohibitive to any particular type or size of local authority. Table 1 provides an overview of the Joint Committee's basis for member authority contributions since inception.

**Table 1: Basis for member authority contributions**

Year	PCN	Annual	Case
1999/2000	70 pence	£500	£10
2000/01	70 pence	£500	£10
2001/ 02	70 pence	£500	£0
2002/03	70 pence	£500	£0
2003/04	65 pence	£250	£0
2004/05	65 pence	£250	£0
2005/06	60 pence	£0	£0
2006/07	55 pence	£0	£0
2007/08	60 pence	£0	£0
2008/09	60 pence	£0	£0

2009/10	60/65 pence <sup>1</sup>	£0	£0
2010/11	65 pence	£0	£0

Note 1 – the PATROL Joint Committee approved an increase to 65 pence with effect from 1 July 2009

- 2.4 The number of councils joining the scheme has slowed down considerably in 2010/11. In previous years, new councils have had the effect of acting as a counterbalance to the prevailing trend of reduced PCN issue rates for councils that have been in the scheme for some time.
- 2.5 For 2011/12 whilst there remain economic uncertainties, the large number of authorities joining the scheme in 2008/09 continues to impact on income.
- 2.6 There are two options for defraying the expenses of the Joint Committee for 2011/12
- (i) Maintain the basis for contribution at 65 pence per PCN. This would meet the expenditure requirements and includes some contingency should the income forecasted not materialise. The income position could then be reviewed at the January 2012 meeting.
  - (ii) Reduce the basis for contribution to 63 pence. Should the forecasted income not be achieved, there would be a requirement to draw from reserves.
- 2.7 The Joint Committee has a member authority contribution framework which includes a charge per case. The Joint Committee has been appraised of the efficiency drive to engage more councils in electronic transfer of evidence. This requires councils to have access to the Internet and the facility to convert documents into PDF. Using this facility saves councils postage, paper and administrative time and allows the secure transfer of large files which may otherwise not be possible to send in Outlook or other email systems. The tribunal benefits by reduced scanning and data entry. The tribunal proposes to dedicate staff resource to supporting councils in introducing this facility with a view to all councils engaging with the tribunal electronically by September. This provides a lead time of 8 months. From 1<sup>st</sup> September an additional case charge of £5 per case is proposed where council evidence is not received electronically.

### 3.0 RECOMMENDATION

- 3.1 It is recommended that the following basis for contributions be adopted by the Joint Committee for 2011/12.

<b>ELEMENT</b>	<b>CHARGE</b>
Annual	nil
Per PCN Issued	£0.65
Per Adjudication Case cases.with effect from 1/9/11	£5.00 in respect of non-electronic

#### **4.0 METHOD OF CHARGING**

- 4.1 The Accounts and Audit Regulations 2003 introduced the requirement for a Cash Flow Statement to be produced for each financial year. It is therefore proposed to continue with the practice of the local authorities being invoiced quarterly in advance based on estimated PCN figures and subsequently adjusted when the actual figures become available.

#### **5.0 TRANSCRIPTION COSTS**

- 5.1 To note that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental cost of making a transcription from the audio recording of proceedings at a personal hearing is charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.