

**ANNUAL MEETING OF THE
PATROL ADJUDICATION JOINT COMMITTEE**

Agenda

Date: Tuesday 11th July 2023

Time: 11.00 am

Venue: Bevin Hall, Local Government Association, 18 Smith Square,
London, SW1P 3HZ

1. **Appointment of Chair**

To appoint a Chair for the municipal year 2023/24.

2. **Appointment of Vice Chair**

To appoint a Vice Chair for the municipal year 2023/24.

3. **Appointment of Assistant Vice Chair**

To appoint an Assistant Vice Chair for the municipal year 2023/24.

4. **Appointment of Assistant Chair (Wales)**

To appoint an Assistant Chair (Wales) for the municipal year 2023/24.

5. **Apologies for Absence**

To note any apologies for absence received and report verbally any additional apologies on the day (Pages 5-6, enclosed).

6. **Declarations of Interest**

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

7. **Minutes of the Previous Meeting**
To approve the minutes of the previous PATROL Adjudication Joint Committee meeting held on 12th July 2022 as a correct record (Pages 7-14, enclosed).
8. **Minutes of the Previous Meeting of the BLASJC**
To approve the minutes of the previous BLAS Joint Committee meeting held on 12th July 2022 as a correct record (Pages 15-19, enclosed).
9. **Minutes of the BLASJC Executive Sub Committee Meeting**
To approve the minutes of the previous BLASJC Executive Sub Committee meeting held on 24th January 2023 (Pages 20-25, enclosed).
10. **Chair's Update (Verbal Update)**
To provide the Joint Committee with a general update since the last meeting.
11. **Annual report of the Chief Adjudicator**
To receive the annual report of the Chief Adjudicator (Pages 26-47, enclosed).
12. **Amendments to the PATROLAJC Deed Agreement**
To consider the amendments to the PATROLAJC Deed Agreement in line with changes to legislation (Pages 48-128, enclosed).
13. **Amendments to the Terms of Reference to the PATROLAJC Executive Sub Committee, the PATROL Adjudication Joint Committee Resources Working Group and Sub Committee and the Advisory Board**
To approve the amendments to the Terms of Reference to the PATROLAJC Executive Sub Committee, the PATROL Adjudication Joint Committee Resources Working Group and Sub Committee and the Advisory Board (Pages 129-137, enclosed).
14. **Draft Annual Return 2022/23**
To approve the draft annual return and note supporting documentation (Pages 138-169, enclosed).
15. **Budget Monitoring Update for 2023/24**
To consider a report on the Income and Expenditure position at 31st May 2023 for the year 2023/24 including the Reserves position at 31st May 2023 against the approved Reserves levels in order to comply with the approved Financial Regulations (Pages 170-173, enclosed).
16. **Review of Financial Documentation**
To consider a report reviewing the financial matters and documentation of the following (Pages 174-209, enclosed):-
 - a. Financial Regulations 2023/2024

- b. Scheme of Financial Delegation 2023/2024
 - c. Managers Expenses Policies 2023/2024
 - d. Staff Expenses Policies 2023/2024
 - e. Members Expenses Policies 2023/24
 - f. Expenditure Falling Outside the Financial Regulations (2022/23)
17. **Review of Systems and Infrastructure**
To consider a report requesting approval of funds from the Technology Reserve to review the systems and infrastructure of the organisation (Pages 210-211, enclosed).
18. **Review of Governance Documentation**
To consider a report reviewing the governance matters and documentation of the following (Pages 212-231, enclosed):-
- a. MOU Delegations to the Chief Adjudicator
 - b. Delegations to the Director
 - c. Appointment of the Proper Officer
19. **Risk Management Framework**
To note the latest review of the Risk Register (Pages 232-237, enclosed).
20. **Establishment of the Executive Sub Committee**
To establish Executive Sub Committees and appoint members for the period until the annual meeting of the Joint Committee in July 2024 and approve the associated expenses guidelines (Pages 238-243, enclosed).
21. **Report of the PATROL Resources Working Group**
To report on the work of the PATROL Resources Working Group which met on 22nd September and 13th December 2022 (Pages 244-247, enclosed).
22. **Appointments to the Advisory Board**
To approve the appointments to the Advisory Board (Pages 248-249, enclosed).
23. **Public Affairs Report**
To note the Public Affairs report during 2023 (Pages 250-253, enclosed).
24. **Presentation on Moving Traffic Powers**
To receive a presentation by Robert Shoebridge from Derby County Council on council's progress in respect of Moving Traffic Powers.

25. **Presentation on National Persistent Evader Database (NPED)**

To receive a presentation by Alan Wood CEO of the NPED.

26. **Implementation of Littering from Vehicles Enforcement**

To receive a presentation by Iain Worrall, Stakeholder Engagement & Systems Manager at PATROL.

27. **Date of next meeting**

To note the date of the next meeting as follows:-

Tuesday 9th July 2024 at the Local Government Association Headquarters, 18 Smith Square, London, SW1P 3HZ. To be followed by the PACER awards – House of Commons. **Please note that due to a limit placed on numbers by the House of Commons, this event is by invitation only.**

For requests for further information or to submit apologies please contact: Sarah Baxter, Democratic Services and Policy Manager Tel: 01625 445576 E-Mail: sbaxter@patrol-uk.info

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PATROL Adjudication Joint Committee Apologies

Councillors

1. Amber Valley BC - Cllr Eileen Hamilton
2. Barnsley MBC Cllr - James Higginbottom
3. BATHNES Council - Cllr Manda Rigby
4. Bolton MBC – Cllr David Chadwick
5. Caerphilly County Borough Council - Cllr Nigel George
6. Cannock Chase DC - Cllr Andrea Muckley
7. Cheltenham BC - Cllr Peter Jeffries
8. Chichester BC - Cllr Harsha Desai
9. City of York Council - Cllr Peter Kilbane
10. Cornwall CC - Cllr Connor Donnithorne
11. Darlington BC Cllr - Amanda Riley
12. Derby City Council – Cllr Carmel Swan
13. Dover DC Cllr - Jamie Pout
14. Dudley MBC - Cllr Ian Kettle
15. Epsom and Ewell DC - Cllr John Beckett
16. Essex CC - Cllr Lee Scott
17. Guilford BC - Cllr Catherine Houston
18. Herefordshire CC - Cllr Barry Durkin
19. Hertfordshire CC - Cllr Phil Bibby
20. Horsham DC - Cllr Mark Baynham
21. Isle of Wight Council - Cllr Vanessa Churchman (sub is attending)
22. Lancashire CC - Cllr Rupert Swarbrick
23. Leeds Council - Cllr Kayleigh Brooks
24. Leicester City Council - Cllr Adam Clarke
25. Mole Valley DC – Cllr Clayton Wellman
26. Newcastle-under-Lyme Borough Council - Cllr Gillian Heesom
27. North Tyneside Council - Cllr Louise Marshall
28. Nottingham City Council - Cllr Audra Wynter
29. Nuneaton and Bedworth Borough Council - Cllr Richard Smith
30. Oldham MBC Cllr Chris Goodwin
31. Peterborough City Council - Cllr Nigel Simons
32. Powys County Council - Cllr Jackie Charlton
33. Redditch BC - Cllr Brandon Clayton
34. Royal Borough of Windsor and Maidenhead - Cllr Geoff Hill
35. Rutland CC - Cllr Christine Wise
36. Salford CC – Cllr Mike McCusker
37. Stroud DC - Cllr Rebecca Aldam
38. Suffolk CC - Cllr Richard Smith
39. Sunderland - CC Cllr Clair Rowntree
40. Surrey - CC Cllr Kevin Deanus
41. Tandridge DC - Cllr Mike Crane
42. Tewkesbury BC - Cllr Stewart Dove
43. Wakefield Council - Cllr Matthew Morley

45. Waverley Borough Council -Cllr Tony Fairclough
46. West Lindsey DC - Cllr Trevor Young
47. Wigan MBC - Cllr Paul Prescott
48. Worcestershire CC - Cllr Mike Rouse
49. Wrexham CBC - Cllr Hugh Jones
50. Wyre Forest DC - Cllr Ben Brookes

Officer

Richard Hibbert - CEC

Minutes of a meeting of the

PATROL Adjudication Joint Committee

held on 12 July 2022 at The Park Plaza County Hall, London, SE1 7RY

PRESENT

Councillor Stuart Hughes (Devon County Council) in the Chair

Councillor Sybil Fielding - Bassetlaw DC
Councillor Les Phillimore - Blaby DC
Councillor Chris Turrell - Bracknell Forest BC
Councillor Colin Hutchinson - Calderdale Council
Councillor Keith Henson - Ceredigion CC
Councillor Marilyn Peters - Dartford BC
Councillor Graham McAndrew - East Herts DC
Councillor Ian Hollidge - East Sussex CC
Councillor Mike Eyles - Eden DC
Councillor Ray Field - Folkestone & Hythe DC
Councillor Nigel Knapton - Hambleton DC
Councillor Graham Burgess - Hampshire CC (BLASJC Vice
Chair)
Councillor Amy Prince - Hartlepool BC
Councillor Phil Bibby - Hertfordshire CC
Councillor Steve Davies - New Forest DC
Councillor Laura Lacey - Newport CC
Councillor Marco Cereste - Peterborough Council
Councillor Tony Page - Reading BC (BLASJC Chair)
Councillor Christine Guinness - Rushmoor BC
Councillor Margot McArthur - Sevenoaks DC
Councillor Mohammed Nazir - Slough BC
Councillor Dan Brown - South Hams DC
Councillor Alex Porter - Tendring DC
Councillor Simon Cronin - Worcester CC
Councillor Martin King - Wychavon DC (PATROL Vice Chair)

In attendance

Jo Abbott - Advisory Board
Graham Addicott OBE - Advisory Board
Sarah Baxter - Cheshire East Council
Andy Diamond - PATROL
Caroline Hamilton - Traffic Penalty Tribunal
Paul Nicholls - Advisory Board
Iain Worrall - PATROL

1 APPOINTMENT OF CHAIR

Consideration was given to the appointment of Chair.

RESOLVED

That Councillor Stuart Hughes be appointed as Chair for the 2022/23 year.

2 APPOINTMENT OF VICE CHAIR

Consideration was given to the appointment of Vice Chair.

RESOLVED

That Councillor Tony Page be appointed as Vice Chair for the 2022/23 year.

3 APPOINTMENT OF ASSISTANT VICE CHAIR

Consideration was given to the appointment of Assistant Vice Chair.

RESOLVED

That Councillor Terry Douris be appointed as Assistant Vice Chair for the 2022/23 year.

4 APPOINTMENT OF ASSISTANT VICE CHAIR (WALES)

Consideration was given to the appointment of Assistant Vice Chair (Wales).

RESOLVED

That Councillor Laura Lacey be appointed as Assistant Vice Chair (Wales) for the 2022/23 year.

5 APOLOGIES FOR ABSENCE

Apologies for absence were reported as follows:-

Amber Valley BC
Ashfield DC
Ashford BC
Barnsley DC
Barrow BC
Bedford BC
Bedford BC
Bristol CC
Buckinghamshire Council
Caerphilly CBC
Cardiff
Carlisle CC
Carmarthenshire CC
CEC
Chichester DC
Craven DC
Derby CC
Dorset Cc
Dover Dc
East Hants DC
East Lindsey DC
East Sussex CC
Eastleigh BC
Epsom & Ewell
Exeter CC
Fareham BC
Gateshead MBC
Gloucester City
Gloucestershire CC
Gwynedd Council
Havant BC
Ipswich BC
Knowsley Council
Lancashire CC
Lancaster CC
Lincoln City
Lincolnshire CC
Lincolnshire CC
Liverpool CC
Maidstone BC
Malvern Hills DC
Merthyr Tydfil CBC
NFDC
North Norfolk DC
North Norfolk DC
North Somerset DC

North Tyneside
Nottingham CC
Nottinghamshire CC
Nuneaton & Bedworth
Plymouth CC
Redditch BC
Richmondshire DC
Rossendale BC
Runnymede BC
Rutland CC
Rutland CC
Sefton MBC
Slough BC
Solihull MBC
Solihull MBC
Somerset CC
South Holland DC
South Staffs DC
Southend CC
Staffordshire CC
Stevenage BC
Sunderland CC
Surrey Heath BC
Swansea City
Teignbridge BC
Three Rivers
Trafford Council
Tunbridge Wells BC
Uttlesford DC
Walsall BC
Warwickshire CC
Watford BC
West Lindsey DC
Wrexham Council
York CC

6 DECLARATIONS OF INTEREST

There were no declarations of interest.

7 MINUTES OF THE INFORMAL PATROL ADJUDICATION JOINT COMMITTEE MEETING HELD ON 13 JULY 2021

RESOLVED

That the minutes of the informal PATROL Adjudication Joint Committee meeting held on 13 July 2021 be approved as a correct record and signed by the Chair.

8 CHAIR'S UPDATE (VERBAL)

The Chair gave an update in respect of the following matters:-

- New Regulations coming into force giving effect to moving traffic enforcement powers for local authorities in England (outside London) under Part 6 of the *Traffic Management Act 2004*;
- Electric vehicles;
- Clean Air Zones;
- Granting of moving traffic enforcement powers to authorities in England;
- Pavement Parking Enforcement Measures;
- PATROL's Promoting Awareness of Civil Enforcement through Reporting (or, PACER) Awards event

In addition he welcomed Caroline Hamilton the Traffic Penalty Tribunal's new Chief Adjudicator, Caroline Hamilton, who took up her new position earlier in the month.

RESOLVED

That the Chair's update be noted.

9 CHIEF ADJUDICATOR'S UPDATE (VERBAL)

Caroline Hamilton attended the meeting and introduced herself. She gave a short summary in respect of her background.

RESOLVED

That the Chief Adjudicator's update be noted.

10 DRAFT ANNUAL RETURN 2021/22

Consideration was given to a report on the draft annual return for the year 2021/22.

RESOLVED

1. That the outturn position against the 2021/22 budget included within the report. **(Appendix 1 of the report) – Subject to external audit validation** be noted.

2. That approval be given to the **surplus** for the year of £329,736 and that it be added to the Joint Committee's Reserves.

This excluded the £254,299 being the total of Highways England (Dartford-Thurrock River Crossing) and Halton Borough Council (Mersey Gateway Bridge Crossing) surpluses taken from the Joint Committee's reserves.

3. That it be determined the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2022.

4. That the balance sheet (**Appendix 2 of the report**) and cash flow (**Appendix 3 of the report**) and audit timetable be noted.

5. That the Annual Internal Audit Report 2021/22 (**Appendix 4 of the report**) and the Small Bodies Draft Annual Return submitted for External Audit (**Appendix 5 of the report**) be noted.

6. That the recommendation the Financial Regulations for 2022/23 remain unchanged be approved.

7. That the revised Scheme of Financial Delegation be approved.

8. That the recommendation the Code of Corporate Governance remains unchanged be approved.

ITEMS COMMON TO PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

11 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEES

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 Members of the Executive Sub-Committee for the forthcoming year be appointed.

2. That it be noted the date of the first meeting of the Executive Sub Committees will be on 11th October 2022 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 of the report.

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

To consider a report on the PATROL and BLASJC Resources Working Group meetings held since the Executive Sub Committee Meeting held in January 2022.

RESOLVED

1. That the matters discussed at the meetings since the Executive Sub Committee in January 2022 be noted.

2. That the Terms of Reference for 2022/2023 be approved.

3. That approval be given to 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.

13 REVIEW OF FINANCIAL DOCUMENTATION

Consideration was given to a number of financial documents.

RESOLVED

That documents be endorsed.

14 REVIEW OF GOVERNANCE DOCUMENTATION

Consideration was given to a report reviewing the governance documentation and arrangements.

RESOLVED

1. That the Schemes of Delegation to the Chief Adjudicator and Director which remain unchanged be noted.

2. That the Memorandum of Understanding between the Adjudicators and the Joint Committee be approved.

3. That persons to fulfil the function of the proper officer under the relevant regulations be appointed.

15 APPOINTMENTS TO THE ADVISORY BOARD

Consideration was given to a report setting out the terms of reference for the Advisory Board and recommendations for appointments for 2022/2023.

RESOLVED

1. That the Joint Committees terms of reference and composition of the Advisory Board set out in the Appendix to this report be adopted.
2. The extension of Marc Samways as English Shire Member to July 2026 be approved.
3. The extension of Graham Addicott OBE as an Independent Member to July 2023 be approved.
4. The retirement of George Broughton (Lead Authority Representative) and the vacancy which remains until his successor be appointed be noted.
5. That the intention to appoint a new District Authority Member, whilst retaining Pat Knowles (formerly District) as the representative of Councils undergoing structure changes from multi-tiers to unitary authorities be noted.
6. That the intention to recruit an Independent Member for the period be noted.

16 DATE OF NEXT MEETING

It was noted that the next meeting would take place on Tuesday 11 October 2022 commencing at 11am.

The meeting commenced at 10am and concluded at 11am.

Councillor Stuart Hughes (Chair)

Minutes of a meeting of the Annual

Bus Lane Adjudication Service Joint Committee

held on 12 July 2022 at The Park Plaza County Hall, London, SE1 7RY

PRESENT

Councillor Tony Page (Reading Borough Council) in the Chair.
Councillor Graham Burgess (BLASJC Vice Chair) – Hampshire County Council
Councillor Phil Bibby – Hertfordshire County Council
Councillor Mohammed Nazir – Slough Borough Council

In attendance

Jo Abbott - Advisory Board
Graham Addicott OBE - Advisory Board
Sarah Baxter - Cheshire East Council
Andy Diamond - PATROL
Caroline Hamilton - Traffic Penalty Tribunal
Paul Nicholls - Advisory Board
Laura Padden - Director of PATROL
Marc Samways - Advisory Board
Iain Worrall - PATROL

1 Appointment of Chair

Consideration was given to the appointment of Chair.

RESOLVED

That Councillor Tony Page be appointed as Chair for the 2022/23 year.

2 APPOINTMENT OF VICE CHAIR

Consideration was given to the appointment of Vice Chair. **RESOLVED**

That Councillor Graham Burgess be appointed as Chair for the 2022/23 year.

3 APOLOGIES FOR ABSENCE

Apologies for absence were reported as follows:-

Councillor Laura Crane - Cheshire East Council

Councillor Abdul Qadir - Liverpool City Council

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 MINUTES OF THE MEETING HELD ON 13 JULY 2021

RESOLVED

That the minutes of the meeting held on 13 July 2021 be approved as a correct record.

6 CHAIR'S UPDATE (VERBAL)

The Chair gave a verbal update in respect of the following matters:-

- New Regulations coming into force giving effect to moving traffic enforcement powers for local authorities in England (outside London) under Part 6 of the *Traffic Management Act 2004*;
- Implications and benefits of the new regulations;
- Future of the Bus Lane Adjudication Service Joint Committee

In addition he welcomed Caroline Hamilton the Traffic Penalty Tribunal's new Chief Adjudicator, Caroline Hamilton, who had taken up her new position earlier in the month.

RESOLVED

That the update be noted.

7 CHIEF ADJUDICATOR'S UPDATE

There was no further update to what had been reported at the PATROL meeting.

8 DRAFT ANNUAL RETURN

Consideration was given to a report Draft Annual Return for the year 2021/22.

RESOLVED

1. That the outturn position against the 2021/22 budget included within the report be noted.

(Appendix 1 of the report) *subject to external audit validation.*

2. That the **surplus** for the year of £111,765 being added to the Joint Committee's reserves be approved.

3. That it be determined the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2022.

4. That the balance sheet (**Appendix 2 of the report**) and cash flow (**Appendix 3 of the report**) and audit timetable be noted.

5. That the Annual Internal Audit Report 2021/22 (**Appendix 4 of the report**) and the Small Bodies Draft Annual Return submitted for External Audit (**Appendix 5 of the report**) be noted.

6. That the recommendation the Financial Regulations for 2022/23 remain unchanged be approved.

7. That the Scheme of Financial Delegation (no changes proposed) be approved.

8. That the recommendation the Code of Corporate Governance to remain unchanged be approved.

ITEMS COMMON TO PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES

9 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEES

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 Members of the Executive Sub-Committee for the forthcoming year be appointed.

2. That it be noted the date of the first meeting of the Executive Sub Committees will be on 11th October 2022 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 of the report.

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

Consideration was given to a report on the PATROL and BLASJC Resources Working Group meetings held since the Executive Sub Committee Meeting held in January 2022.

RESOLVED

1. That the matters discussed at the meetings since the Executive Sub Committee in January 2022 be noted.
2. That the Terms of Reference for 2022/2023 be approved.
3. That approval be given to 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.

11 REVIEW OF FINANCIAL CONTRIBUTION

Consideration was given to documents relating to:-

- a. Financial Regulations 2022/2023
- b. Scheme of Financial Delegation 2022/2023
- c. Staff Expenses Policies 2022/2023
- d. Members Expenses Policies 2022/2023
- e. Hospitality Policies 2022/2023

RESOLVED

1. That the Financial Regulations 2022/2023 be approved.
2. That the Scheme of Financial Delegation 2022/2023 be approved.
3. That the Staff Expenses Policies 2022/2023 be approved.
4. That the Members Expenses Policies 2022/2023 be approved.
5. That the Hospitality Policies 2022/2023 be approved.

12 REVIEW OF GOVERNANCE DOCUMENTATION

Consideration was given to a report reviewing the governance documentation and arrangements.

RESOLVED

1. That the Schemes of Delegation to the Chief Adjudicator and Director which remain unchanged be noted.
2. That the Memorandum of Understanding between the Adjudicators and the Joint Committee be approved.
3. That persons to fulfil the function of the proper officer under the relevant regulations be appointed.

13 APPOINTMENTS TO THE ADVISORY BOARD

Consideration was given to a report setting out the terms of reference for the Advisory Board and recommendations for appointments for 2022/2023.

RESOLVED

1. That the Joint Committees terms of reference and composition of the Advisory Board set out in the Appendix to this report be adopted.
2. The extension of Marc Samways as English Shire Member to July 2026 be approved.
3. The extension of Graham Addicott OBE as an Independent Member to July 2023 be approved.
4. The retirement of George Broughton (Lead Authority Representative) and the vacancy which remains until his successor be appointed be noted.
5. That the intention to appoint a new District Authority Member, whilst retaining Pat Knowles (formerly District) as the representative of Councils undergoing structure changes from multi-tiers to unitary authorities be noted.
6. That the intention to recruit an Independent Member for the period be noted.

14 DATE OF NEXT MEETING

It was noted that the next meeting would take place on Tuesday 11 October 2022 commencing at 11am.

The meeting commenced at 11.15am and concluded at 11.30am.

Councillor Tony Page (Chair)

ITEM 9

Minutes of a meeting of the
**Bus Lane Adjudication Service Joint Committee Executive
Sub Committee**

held on 24 January 2023 at The Studio, 7 Cannon Street, Birmingham,
B2 5EP

PRESENT

Councillor Tony Page - Reading Borough Council in the Chair

Councillor Rob Larden - Walsall MBC

Councillor Abdul Qadir - Liverpool City Council

OFFICERS IN ATTENDANCE

Sarah Baxter - PATROL

Andy Diamond - PATROL

Laura Padden - Director of PATROL

Caroline Hamilton - Traffic Penalty Tribunal

IN ATTENDANCE

Graham Addicott OBE - Advisory Board

29 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Councillors: -

Councillor Mark Smith, Blackpool Council, Councillor Carol Thirkill, Bradford Council, Councillor Steve Davis, Brighton & Hove Council, Councillor Laura Crane, Cheshire East Council, Councillor Patricia Hetherington, Coventry CC, Councillor John Shuttleworth, Durham CC, Councillor Phil Bibby, Hertfordshire CC, Councillor Graham Burgess, Hampshire CC, Councillor John Cook-Woodman, Somerset CC, Councillor Mohammed Nazir, Slough BC, Councillor Mike Smith, Stockton BC and Councillor Janet Jackson, Tameside MBC.

In addition, apologies for absence were received from Erica Maslen, PATROL, Marc Samways, Advisory Board and Iain Worrall, PATROL.

30 DECLARATIONS OF INTEREST

There were no declarations of interest.

31 MINUTES OF THE MEETING HELD ON 11TH OCTOBER 2022

RESOLVED

That the minutes of the meeting of the Bus Lane Adjudication Service Joint Committee Executive Sub Committee held on 11th October 2022 be approved as a correct record.

32 CHAIR'S UPDATE

The Chair gave a verbal update in respect of the changes he had observed during his tenure including the long-awaited changes to legislation with the original aims of the Government to create a coordinated civil enforcement framework in England for parking, bus lanes – and now moving traffic – under a single piece of legislation now being complete.

He also acknowledged as well as bringing obvious efficiency savings for PATROL, bus lane enforcement under the TMA would bring benefits for local authorities and greater clarity and fairness for motorists. In combination with the new moving traffic powers, particularly, PATROL authorities would now more easily be able to deliver integrated traffic schemes that meet transport and other policy objectives, from improving congestion and bus service performance, to pedestrian safety and air quality.

He thanked members on the committee for their insights over the years and playing a significant part in effecting change.

He noted that Reading, along with other authorities, moved forward with its Bus Service Improvement Plan, developed following the Government's Bus Back Better strategy in 2021, the council was also one of the first English authorities to bring in moving traffic enforcement, he was looking forward to sharing his experience and perspective going forward.

Moreover, with the Government announcing just before Christmas that the fares of most major bus operators would be capped until the end of March through its 'Get Around for £2' campaign –bus travel could well be experiencing a new dawn.

On behalf of both the Executive Sub Committees, Councillor Terry Douris proposed a vote of thanks to Councillor Tony Page for his work as chair of the BLASJC over the last 20 years. Laura Padden, the Director of PATROL echoed her thanks and presented him with a small gift as a token of the organisation's appreciation.

RESOLVED

That the Chair's update be noted.

33 CHIEF ADJUDICATOR'S UPDATE

There was no further update to what had been reported at the PATROLAJC Executive Sub Committee meeting.

34 BUDGET MONITORING UPDATE FOR 2022-23 - BLASJC

Consideration was given to a report on the Income and Expenditure position at 31st October 2022 for the year 2022/23 including the Reserves position at 31st October 2022 against the approved Reserves levels in order to comply with the approved Financial Regulations.

RESOLVED

1. That the Income and Expenditure position at 31st October 2022 for the year 2022/23 be noted.

2. That the Reserves position at 31st October 2022 against the approved Reserves levels be noted.

35 AMENDMENTS TO THE BLASJC AGREEMENT

Consideration was given to a report on the amendments to the BLASJC Deed Agreement in line with changes to legislation.

RESOLVED

1. That the amendments to the BLASJC Deed Agreement including amendments to all associated documents within the agreement as contained in Appendix One of the report be approved.

2. That from March 2023 it be noted the Bus Lane Adjudication Service Joint Committee and Bus Lane Adjudication Service Joint Committee Executive Sub Committee would cease to exist and that the PATROL Adjudication Joint Committee and PATROL Adjudication Joint Committee Executive Sub Committee would have responsibility for all matters relating to bus lane enforcement.

ITEMS COMMON TO PATROL AND THE BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

36 RESERVES POLICY STATEMENT

Consideration was given to a report reviewing the Reserves Policy Statement for the Joint Committee for 2023/24.

RESOLVED

1. That the proposed Reserves Policy Statement for 2023/24 which was combined for BLASJC and for PATROL for the financial year 23/24 onwards be approved.

2. That the total PATROL approved reserve level for 2023/24 of £2,084,765 combined for PATROL and BLASJC as set out at (4) be approved. The equivalent amount for 2022/23 was £2,241,040 (comprising £1,893,699 for PATROL and £347,342 for BLASJC).

3. That the balances of any surplus from 2022/23 being carried forward to 2023/24 be approved.

4. That 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 be approved.

37 ANNUAL INVESTMENT STRATEGY 2024

Consideration was given to a report on the Annual Investment Strategy for 2023/24.

RESOLVED

1. That investments would only be made with low-risk institutions with offices in the UK.

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

3. That the Director would sign off any proposed deposits in terms of amount, duration and rate.

38 REVENUE BUDGETS FOR 2023-24

Consideration was given to a report on the revenue budget estimates for 2023/24.

RESOLVED

That the revenue budget for 2023/24 as detailed in the report be agreed subject to an amendment to the inflationary increase for staffing being changed from 2% to 3% in line with the adjudicator's fees.

39 DEFRAYING THE EXPENSES OF THE JOINT COMMITTEE

Consideration was given to a report defraying the expenses of the Joint Committee.

RESOLVED

1. That for the Financial Year 2023/24, maintenance in charge of **30 pence per PCN** issued for member authorities be approved and the expected impact contained within the report be noted.

2. That this would be reviewed at the October 2023 meeting in the light of actual income and expenditure information for the first half of the year.

3. That the rate of **30 pence per PCN** would apply to penalties issued as follows:

Parking – England and Wales

Bus Lanes and Moving Traffic – England and Wales

Road User Charging – England and Wales (In respect of Clean Air Zones, and the Durham Peninsular)

Littering from Vehicles – England

4. That it be noted separate charging arrangements be entered into with National Highways and Halton Borough Council who were not members of the Joint Committee but with each of whom the Joint Committee had entered into a Memorandum of Understanding. Ring-fenced balances associated with these schemes would be reported separately to the Joint Committee within budget monitoring reports.

5. That there would be no annual charge, nor cost per case apart from the LFV PIN Generator initiative approved at the October 2022 meeting.

6. That Invoicing would be undertaken based on monthly returns received from enforcement authorities as in 22/23.

40 CROSS-ASSIGNMENT EXERCISE – APPOINTMENT OF ADJUDICATORS CROSS-DEPLOYED FROM LONDON TRIBUNALS

Consideration was given to a report outlining an urgent decision taken in accordance with Schedule 4, index 16 of the Parking and Traffic Regulations Outside London Adjudication Joint Committee's Standing Orders by the Chairs of the PATROLAJC and BLASJC to agree to the appointment of the listed adjudicators to the Traffic Penalty Tribunal for a period of five years.

RESOLVED

That the report be noted.

41 APPOINTMENTS TO THE ADVISORY BOARD

Consideration was given to a report on new appointments to the Advisory Board.

RESOLVED

1. That the appointment of Richard Hibbert, representing Cheshire East Council. Richard replaced George Broughton who retired be noted. His appointment would run until July 2023 in line with when George Broughton's tenure was scheduled to end.

2. That the appointment of Emma Barker from Sheffield City Council for a period of four years be noted.

3. That the appointment of Jason Passfield, representing Adur & Worthing Councils for a period of four years be noted.

42 RISK MANAGEMENT FRAMEWORK

Consideration was given to a report summarising the most significant threats facing the Joint Committees which could prevent or assist with the achievement of its objectives. The only change reported from the previous meeting was in relation to CR2-Lack of Financial Resistance. This rating had been reduced from a risk of 10 to a risk of 8. This reflected the improvement in reserves balances and the easing of the financial pressures caused by the coronavirus pandemic.

RESOLVED

That the report be noted.

43 REPORT OF THE PATROL AND BLASJC RESOURCES WORKING GROUP

Consideration was given to a report summarising the matters discussed at the PATROL and BLASJC Resources Working Group meetings held since the Executive Sub Committee Meeting held in December 2022.

RESOLVED

That the report be noted.

44 PUBLIC AFFAIRS UPDATE

Consideration was given to a report which provided an overview of current traffic management issues.

Laura Padden, the Director of PATROL also provided an update in relation to the following matters:-

- Pavement parking in Wales;
- Moving traffic powers;
- Clean Air Zones;
- PACER awards;
- User Groups

RESOLVED

That the report be noted.

45 DATE OF NEXT MEETING

It was noted that the date of the next meeting of the PATROL Adjudication Joint Committee would take place as follows:-

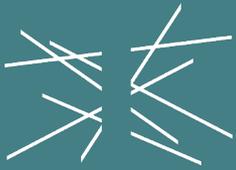
Tuesday 11th July 2023 at the Local Government Association Headquarters, 18 Smith Square, London, SW1P 3HZ. To be followed by the PACER awards – venue TBC.

Prior to the close of the meeting Councillor S Cronin asked if the thanks of both committees could be communicated to Huw Merriman MP for his support to PATROL over the years as well as their congratulations on his new role.

The meeting commenced at 12.28pm and concluded at 12.40pm

Councillor Tony Page

(Chair)



**Traffic Penalty
Tribunal**
England and Wales

Annual Report

2022-23



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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 traffic contraventions.

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

The TPT also decides appeals against penalties from other road user charging schemes in England, including the Dartford-Thurrock River Crossing (**'Dart Charge'**) and the Mersey Gateway and Silver Jubilee Bridge Crossings (**'Merseyflow'**).

Appeals to the TPT are decided by 24 part-time Adjudicators: all wholly independent lawyers, whose appointments are subject to the Lord Chancellor's consent. The Chief Adjudicator is Caroline Hamilton. The Adjudicators are supported by a small team of administrative staff.

The independent TPT is funded by a Joint Committee of the 300+ local authorities and charging authorities that enforce the traffic restrictions (Parking and Traffic Regulations Outside London [PATROL]. These authorities are fulfilling a statutory duty to make provision for independent adjudication against the civil enforcement penalties they issue.

- The TPT decides appeals against ~30,000 PCNs each year.
- 80% of appeals are completed fully online, with attendance hearings (via telephone or video) available, if necessary.
- Appellants unable to get online receive Assisted Digital support by phone, Live Chat or post for appeals to be completed 'by proxy'.
- 50% of cases are completed within 14 days, with over 70% within 28 days.



Chief Adjudicator's Foreword

Caroline Hamilton

I was appointed Chief Adjudicator at the Traffic Penalty Tribunal (TPT) in June 2022 and have now been in post for almost a year. This annual report covers the period running from April 2022 to March 2023.

It has been a busy and productive period for the Tribunal and the adjudicators' report not only provides an insight into the volume and type of work completed, but also serves to update the Joint Committee and appraise readers of some of the achievements and initiatives put in place in the reporting year.

Coming from my role as Chief Adjudicator at London Tribunals, I was very familiar with the work of the adjudicators at the TPT. As a group, adjudicators acknowledge the benefits that each tribunal inherited from the dedicated focus and insights that my predecessor, Caroline Sheppard OBE, as founder and Chief of each Tribunal in turn, contributed to the tribunal systems generally, parking and traffic appeals in particular and the work and ethos of the independent adjudicators during her tenures. An article outlining Caroline Sheppard's achievements can be found at Page 21 of this report.

Appraisal

My first task on appointment was, of course, to meet the independent adjudicators, the impartial office holders charged with determining appeals brought by motorists

in England (outside London) and Wales. The adjudicators at the TPT, all part-time, fee-paid lawyers, are well established and experienced, working at a high level of specialism and expertise. Appraisals of their work and skills included discussions on the function of the administrative tribunal, generally, the application of the law and the use of the digital case management system.

This exercise was undertaken throughout August 2022 and completed in September 2022 (see Page 19 of this report). Feedback on our work is always welcome, allowing all adjudicators an opportunity to reflect, learn and develop.

Training

Once our appraisal discussions were complete, we were able to put an informed annual training programme in place, providing the cohort of adjudicators with the opportunity of sharing case management processes with colleagues, while hearing and contributing to presentations on best practice, tribunal skills and the function of the independent, impartial adjudicator. The training event took place in Manchester on 8 December 2022 and was well attended by adjudicators (see Page 19 of this report).

Cross-deployment – “one tribunal”

Adjudicators at the Traffic Penalty Tribunal and at London Tribunals have always adopted a collegiate approach, and coming from London Tribunals I have been keen to work towards the further harmonisation and strengthening of our links and working practices. To that end, nine London adjudicators were cross-deployed to the TPT, allowing judicial experience and expertise to be further shared. The joint aim of each (albeit currently separate) Tribunal is to provide an accessible, cohesive and consistent application of the regulations and law governing the appeal process – to the benefit of our users – that working together can only promote. A list of the adjudicators, including the cross-deployed adjudicators, appears at Page 20 of this report.

Key cases website

To promote our joint aims, the TPT is creating a 'key cases' website (see Page 15), which is aimed at providing a go-to online destination for traffic enforcement cases and information serving to advise and clarify the law and issues that frequently confuse or perplex motorists and tribunal users in and out of London. The expectation is that the new website will allow users to benefit from consistent advice and information, putting an end to appeals based on mistaken beliefs gleaned from inaccurate, if well-meaning, reports published by newspapers and appearing on public websites.

Appeal numbers

Appeal statistics are provided at Page 6 of the report, illustrating the type of appeals undertaken by the TPT adjudicators and providing a transparent view of our efficiency and application to our work.

Tribunal users are entitled to the swift delivery of justice and I am committed to ensuring that appeals are determined justly, efficiently and consistently by the adjudicators charged with carrying out their independent and impartial judicial function.

The independent adjudicators are tasked with making all judicial decisions, but playing a crucial role in access to justice and the effectiveness of the tribunal is the operational partnership between the judicial decision makers and the dedicated administrative arm of the TPT. The united commitment to the work of the tribunal we enjoy at the Traffic Penalty Tribunal contributes to its quality and function, allowing our users to benefit from a competent and efficient jurisdiction.

Maintaining and developing high standards is the shared aim of adjudicators at the TPT and I am pleased to present our 2022–2023 Annual Report to the Joint Committee.

Caroline Hamilton
June 2023





1. Workload

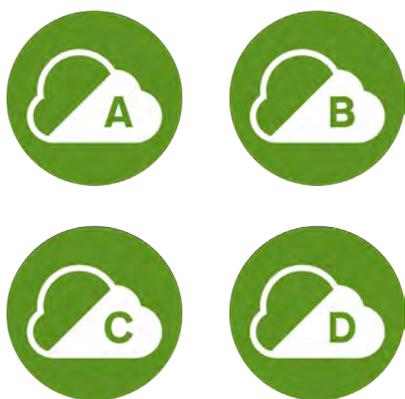
1.1 New schemes

The jurisdiction of the adjudicators at the Traffic Penalty Tribunal (TPT) has increased over the years, expanding from parking contravention appeals to bus lane, moving traffic, clean air and road user charging schemes, as well as littering from vehicles. During the reporting year, the number of local authorities enforcing traffic contraventions has also expanded.

Clean Air Zones

Clean Air Zones are now being enforced in Bath, Birmingham, Bradford, Bristol, Oxford (Zero Emission Zone), Portsmouth, Newcastle/Gateshead and Sheffield, with further schemes under discussion in Greater Manchester and Stoke-on-Trent / Newcastle-under-Lyme.

There are four types of Clean Air Zones:



A: Applying to buses, coaches, taxis and private hire vehicles (PHVs).

B: Applying to buses, coaches, taxis, PHVs and heavy goods vehicles (HGVs).

C: Applying to buses, coaches, taxis, PHVs, HGVs, vans and minibuses.

D: Applying to buses, coaches, taxis, PHVs, HGVs, vans and minibuses, as well as private cars (there is also an option to include private motorcycles under this zone category).

Moving Traffic and Bus Lanes



New regulations giving effect to moving traffic enforcement powers for local authorities in England (outside London) – under Part 6 of the *Traffic Management Act 2004* – came into force on 31 May 2022.

In the reporting year, moving traffic enforcement commenced in the local authority areas of Derby, Durham, Hampshire, Luton, Oxfordshire and Reading. Bath & North East Somerset, Bedford, Buckinghamshire, Kent, Norfolk and Surrey are also due to start, with 30 further authorities seeking the powers.

Local authority areas commencing bus lane enforcement in the reporting year include Adur and Worthing, Blackpool, Hampshire, North Somerset and Watford.

Littering from vehicles



Contraventions are now being enforced in Bradford and Dorset, with a further seven councils working towards commencement.

1.2 Appeal outcomes

The number of cases registered in the reporting year has increased slightly, reflecting some return to normality after the disruption caused by the coronavirus pandemic.

Total appeals, 2022–23 (previous year shown in brackets)

- **Cases registered by adjudicator:**
22,063 (20,300)
- **Statutory Declarations / Witness Statements:**
1,648 (1,677)
- **Appeals (PCNs) determined:**
31,327 (27,849)
- **Appeals allowed:**
16,549 (18,144),
of which 12,245 (13,276) were not contested
- **Appeals refused:**
6,621 (4,260),
of which 226 (240) were withdrawn

A note on the data: The perceived discrepancies in the number of cases received and appeals determined can be explained by some cases having been received and registered prior to April 2022, but determined in the reporting period, as well as by the fact that a single case can contain multiple Penalty Charge Notices (PCNs) under appeal. In these cases, each of the notices is addressed on the evidence provided by the parties for that particular alleged contravention, and the outcome for each may be different (i.e., under one appeal, a PCN may be allowed, with another refused).

The witness statement declaration process at the Traffic Enforcement Centre (TEC) of the Northampton County Court also impacts the 'cases registered' statistics. Not all declaration referrals will result in the adjudicator directing that the matter should be registered. The majority of these mandatory referrals will result in a payment direction being made, should the adjudicator determine that the motorist, the Respondent to the County Court proceedings at the TEC, has not met the requirements of the statutory process, giving rise to a right of appeal before the independent adjudicator.

Excluded from the data above are appeals closed by 'consent order' – PCNs that were cancelled based on an agreement between the authority and appellant (e.g. payment of the original charge amount).

In this reporting year, the TPT has also been able to return cases relating to the 'Merseyflow' road user charging scheme to

the adjudication lists. These cases had been stayed while adjudicators waited for the Court's judgment further to judicial review proceedings. The judgment was handed down on 14 February 2023 (see Page 9), allowing the stayed PCNs that remained contested to proceed to determination before the independent adjudicator.

Not all cases received at the Tribunal are registered and scheduled for appeal. The adjudicators must apply the law, and cases submitted to the adjudicator that do not meet the requirements of the regulations (for example, those that are late or incomplete) may be rejected or returned to the appellant with a request for further or corrected information. It is only once the cases have been checked and found to be valid under the regulations that they can be registered and scheduled for determination by the independent adjudicator.

Appeals ≠ Referrals

Mandatory referrals to the adjudicator, further to an order issued by the TEC, are not automatically listed for appeal. The revoking order does not cancel the PCN and the regulations require the adjudicator to give directions as to the conduct of the proceedings, unless it is considered that no such directions are necessary. The directions may include making an immediate payment order, listing the matter for appeal, or for the consideration of an order for costs. In the reporting year, 1,492 (1,519) payment directions were made further to a referral from the TEC.

The individual penalty jurisdictions the Tribunal determines appeals for had the following receipt numbers and outcomes in 2022-23 (previous year shown in brackets).

Excluded are data for the Durham Road User Charge Zone, for which no appeals were received.

Clean Air Zone

Appeals received:	6,507 (4,967)
Referrals made:	92 (51)
TOTAL:	7,427 (5,477)
Appeals allowed:	6,259 (6,361), inc. 5,046 (5,698) not contested
Appeals refused:	1,220 (139), inc. 44 (12) withdrawn

Parking

Appeals received:	8,033 (7,613)
Referrals made:	1,175 (1,385)
TOTAL:	9,208 (8,998)
Appeals allowed:	4,011 (2,675), inc. 2,028 (1,912) not contested
Appeals refused:	2,841 (2,176), inc. 62 (55) withdrawn

Dart Charge

Appeals received:	2,883 (2,467)
Referrals made:	0 (0)
TOTAL:	2,883 (2,467)
Appeals allowed:	3,285 (2,829), inc. 3,043 (2,791) not contested
Appeals refused:	604 (228), inc. 28 (25) withdrawn

Bus Lane

Appeals received:	4,144 (4,365)
Referrals made:	172 (189)
TOTAL:	4,316 (4,554)
Appeals allowed:	2,586 (3,246), inc. 1,741 (2,039) not contested
Appeals refused:	1,638 (1,313), inc. 71 (50) withdrawn

Merseyflow

Appeals received:	404 (762)
Referrals made:	0 (0)
TOTAL:	404 (762)
Appeals allowed:	372 (1,066), inc. 366 (813) not contested
Appeals refused:	267 (350), inc. 15 (96) withdrawn

Moving Traffic

Appeals received:	83 (122)
Referrals made:	6 (19)
TOTAL:	89 (141)
Appeals allowed:	31 (52), inc. 19 (23) not contested
Appeals refused:	48 (53), inc. 5 (2) withdrawn

Littering from Vehicles

Appeals received:	9 (4)
Referrals made:	0 (0)
TOTAL:	9 (4)
Appeals allowed:	5 (3), inc. 2 (0) not contested
Appeals refused:	3 (1), inc. 1 (0) withdrawn

1.3 Method of decisions

e-Decisions: 18,043 (17,632)

e-Decisions (referring to a decision processed through the Tribunal's digital case management system) are determined by the adjudicator on the evidence provided by each party to the appeal, without further oral evidence or submissions.

Under the *Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022*, the adjudicator has the power to require the attendance of 'any person including a party to the appeal'. The nature of TPT's proceedings are such that the just and proportionate determination of an appeal is achieved following the consideration of evidence and representations submitted by the parties, without the need for further oral evidence or submissions.

This is all the more so now that high-quality CCTV evidence, photographs and documents can be readily uploaded to the digital case management system for viewing by the parties and the adjudicator, providing effective access to justice without the need for attendance

Telephone / Video Attendance Hearings: 2,137 (1,914) of which attendance by telephone: **1,493** (1,382) and via video: **644** (532).

These appeals were determined by the adjudicator with telephone or video attendance having been selected by the appellant and/or an authority representative. Witnesses may also take part in telephone and video hearings.

Telephone and video hearings take place using the Microsoft Teams video-conferencing platform, accessible from computers, tablets or smartphones, with the option to either turn the camera on (for a video hearing) or off (for a telephone hearing). Either party can also simply call-in to the Teams meeting by phone.

1.4 Costs

Under the regulations governing the Tribunal, the adjudicators shall not normally make an award of costs or expenses, and may only do so if the party against whom the order is made has acted in a way that is frivolous, vexatious or wholly unreasonable with regard to the appeal.

This is a high threshold of improper conduct to meet. There is no power to make an award of compensation. The jurisdiction has no application fee for appellants and, as reflected by the limited number of awards, costs under our regulations are not the norm.

Application for costs			
	Appellant	Authority	TOTAL
Costs applications made	108 (139)	2 (3)	110 (142)
Costs awarded	2 (11)	0 (3)	2 (14)

Want to find out more?

Further information on the Tribunal's work, as well as comprehensive information on the enforcement and appeals process for different penalty types can be found at:

www.trafficpenaltytribunal.gov.uk/





2. Judicial Review

The judicial decision of the independent adjudicator – including a case management decision – cannot be investigated by way of a complaint, but may be challenged under the regulations by review and, thereafter, judicial review.

An application to apply for permission to seek the judicial review of the adjudicator’s decision must be made in the High Court, usually within three months of the date of the outcome that is further challenged. The Tribunal does not usually take part in judicial review proceedings – the Appellant and the Respondent to the appeal being the protagonists (the council authority Respondent to the appeal before the adjudicator having been joined to High Court proceedings as an interested party). In some cases, however, it may be appropriate for the Tribunal to assist the Court, particularly where the motorist Appellant is unrepresented and is the Defendant to proceedings brought by a Claimant authority and the outcome will have an impact on a large number of appeals where the same regulations are applied (as illustrated in the Halton Borough Council matter, detailed below).

The decision of the High Court is binding on the adjudicators, who welcome clear direction and clarification as to the correct interpretation of regulations and the application of the law from a Higher Court. These outcomes are binding on the adjudicator and serve to quash any uncertainty, allowing the law to be applied consistently to the benefit of all users.

This reporting year saw a number of judicial review applications and outcomes.

2.1 Outcomes – permission granted

Case:

R (Halton Borough Council) v Road User Charging Adjudicators and Damian Curzon (interested party) [2023] EWHC 303 (Admin)

Curzon v Halton Borough Council (TPT XM02448-1907/XM02461-1907/XM03506-1910/XM03890-1911/XM00352-2002/XM00441-2003/XM00030-210/XM00377-2106/XM00435-2107/XM00477-2107/XM01885-1906)

Outcome summary: The full judgment can be accessed at: [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Admin/2023/303.html&query=\(%22curzon%22\)+AND+\(halton\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Admin/2023/303.html&query=(%22curzon%22)+AND+(halton)), but is summarised below with reference to the relevant paragraphs of the judgment, delivered by Mr Justice Fordham on 14 February 2023.

Introduction

1. The Claimant charging authority (“the Council”) judicially reviewed adjudicators’ decisions in test cases which allowed appeals against penalty charge notices (“PCNs”) issued for non-payment of charges under the Road User Charges Scheme applicable to two bridges spanning the Mersey between

Runcorn and Widnes. The appeals had been allowed on the basis that, in each case, there had been a “procedural impropriety on the part of the charging authority”, a ground of appeal under regulations 8(3)(g) and 11(6) of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (“the Regulations”), by reason of (i) unlawful delegation of statutory functions to a third party in relation to consideration of Representations filed under regulation 8(9) (“Representations”), (ii) unlawful fettering of discretion by the rigid application of criteria set out in “Business Rules” and (iii) the provision of misleading information in relation to costs in the Notice of Rejection of Representations (“NOR”).

2. A large number of issues were raised in the claim, and the judgment is long. It usefully summarises and analyses the relevant road user charging scheme. **This note focuses on the three determinative issues, and the core reasoning of the judge (Fordham J) in relation to each.**

The Temporal Jurisdiction of an Adjudicator

3. The Council argued that the concept of “procedural impropriety” in regulation 8(3)(g) was confined to matters which occur *before* the filing of Representations.
4. The judge rejected this argument, concluding that, on the true construction of the Regulations, the concept of “procedural impropriety” included matters which occurred after the filing of Representations under regulation 8(9); and so could constitute a ground upon which an adjudicator could allow an appeal under regulation 11(6) ([37]-[39]). As an alternative route, he also concluded that a failure by the Council to observe the regulation 8(9) duty to consider Representations would in any event constitute a ground of appeal under regulation 8(3)(e) because, under the Regulations, that failure to consider the Representations as required would have the prescribed consequence that the Representations would be deemed to have been accepted (but see 8(i) below).

Delegation of the regulation 8(9) duty to consider Representations

5. The Council has delegated many of its road user charging functions to a third-party contractor. In respect of Representations, these are considered by the contractor who is required to perform this function by applying a policy (“Business Rules”) which provides for pre-determined decisions in a number of described factual scenarios with the case that does not fit within these scenarios being referred to an “Escalation Panel” of Council employees who determine whether or not to accept the Representations.
6. The Adjudicators held that it was a “procedural impropriety” for the Council to delegate consideration of Representations under regulation 8(9) to a third-party contractor. The judge found that they were wrong to do so.
7. The judge accepted that, if there had been unlawful delegation, the consequence would have been a breach by the Council of its regulation 8(9) duty which would be a “procedural impropriety”. However, he held that, under, not section 192 of the Transport Act 2000, or the Road User Charging Scheme Orders, but rather by article 43 of the River Mersey (Mersey Gateway Bridge) Order 2011 as amended (under which the Council was given the power to construct and operate the second Mersey Bridge), the Council as undertaker had a wide power to enter into “concession agreements” in relation to its obligations in relation to “authorised activities” which included its regulation 8(9) obligation to consider Representations. He did not consider that that construction was undermined by an amendment to the 2011 Order which restricted the ability of the Council to transfer away its functions as charging authority (see [49]-[65], especially [60]).

Fettering of Discretion

8. The judge held that the Adjudicators were not entitled to hold that it was a “procedural impropriety” for the Council to adopt a policy, in the form of the Business Rules, to be applied in the determination of regulation 8(9) Representations by caseworkers of the third-party contractor (see [66]-[90]).

- (i) The judge held that, whilst a complete failure to consider representations would be a “procedural impropriety”, anything less would not. So, it would not be a “procedural impropriety” if the caseworker considered Representations with an insufficiently open mind (see [75]).
- (ii) In any event, a policy (such as the Business Rules) was not discretion-fettering or (systemically) unlawful by merely providing pre-prepared responses to commonly encountered scenarios where they fit (see [78] and [87]). Where they did not fit, an individual assessment was made by the Evaluation Panel (see [73]).
- (iii) In any event, on an appeal, the Adjudicator could consider the evidence afresh and determine whether a regulation 8(3) ground or compelling reasons had been established (see [89]). This was an important “safety net”.
- (iv) Looking at the individual cases, there was no discretion-fettering.

Inaccurate and Misleading Costs Information in the NORs

9. The judge accepted that the Adjudicators were entitled to conclude that the costs information set out in the NORs was inaccurate and misleading, in that it suggested that costs could be awarded against the Council only if it had acted wholly unreasonably in rejecting Representations, whereas costs could be awarded against the Council in a number of situations (including, e.g., where its conduct in resisting an appeal was wholly unreasonable).
10. However, he held that this did not constitute a “procedural impropriety”, because regulation 10(1)(b) imposed a requirement to include in the NOR only “the nature of an adjudicator’s power to award costs against any person appealing” – which the NORs did in these cases (see [91]-[95], especially [95(iii)]).

2.2 Applications – permission refused

Case:

The Queen on the Application of Simon Wright -v- Traffic Penalty Tribunal and Brighton and Hove City Council (interested party) CO/469/2022

Wright v Brighton & Hove City Council (TPT BH00563-2110)

The appeal decision

“This case was decided without the need for a hearing on 5 November 2021.

Mr Wright argues that the road layout and markings encourage a driver approaching the area from North Road to approach the bus gate. This is because on the road surface at the end of North Road are the words ‘Local Traffic’, with a directional arrow. He also argues that this ‘bus gate’ should be marked in a similar way as a bus lane, i.e. with solid white lines to properly inform motorists of its presence. Lastly he quotes Mr Justice Beatson in a High Court decision regarding a bus gate in Oxford High Street in which Mr Justice Beatson expressed his view that councils should review their enforcement policies so that PCNs will not be issued where there is no possibility of a bus being obstructed.

I have looked at the evidence provided by Mr Wright, and I agree that there is a road surface marking at the end of North Road encouraging local traffic to turn left into the road which eventually leads to the bus gate. However, as is clear from the driver’s view video provided by the Council, there is an advance warning sign before the junction with Trafalgar Road, and then a further road surface marking for other traffic to turn left into Trafalgar Road, and the ‘bus only’ signs at the commencement of the bus gate together with the lettering on the road surface ‘Bus Gate’.

Looking at the situation as a whole, I am satisfied that drivers are given adequate notice about the bus gate, and how to avoid it by turning left into Trafalgar Road.

The only difference between a bus lane and a bus gate is that a bus gate indicates that the entire length of street is prohibited to traffic other than buses, whereas a bus lane indicates that part of the street,

normally a with-flow bus lane, is reserved for buses. The signs and markings for both types of arrangements are different, and I find that the Council have marked this bus gate appropriately. I am aware of Mr Justice Beatson's comments regarding the issuing of PCNs when there is no prospect of a bus being obstructed. Adjudicators will certainly look at whether scheduled buses are due to run at the time that the alleged contravention was recorded. PCNs issued in the early hours of the morning when scheduled buses have stopped running are likely to result in an appeal being allowed. However this incident occurred at 3:39 PM and scheduled buses were certainly running - the video shows that there is one in front of Mr Wright's car, further down the road. I do not consider that Mr Justice Beatson intended to convey the impression that drivers are free at all times to make their own assessment of whether they can enter bus lanes or bus gates, depending on their view of the conditions. This would simply result in motorists ignoring bus lane/gate restrictions most of the time, frustrating the purpose of creating the bus-only restrictions. I therefore find that this contravention did occur, and I dismiss the appeal. The £60 penalty will need to be paid within 28 days."

The application for review

The reviewing adjudicator identified no ground for review under the regulations and rejected the application.

The application for judicial review

The application was refused. The adjudicator had provided cogent reasons for her conclusions. The reviewing adjudicator directed himself correctly as to the test to be applied. The power of the administrative court to interfere with the decisions of the Defendant are limited. The challenges do not demonstrate that the decision was arguably perverse nor that there was an arguable error of law.

Case:

*The King on the Application of Nicolas Garside -v- Parking Adjudicator /Traffic Penalty Tribunal (England and Wales) and Sheffield Council (interested party) CO/1983/2022
Garside v Sheffield City Council (TPT FD00024-2201 & FD00548-2112)*

The appeal decision

1. Mr Murray-Smith represented the appellant at the hearing. The Council were in attendance. I have also considered the documents provided by the parties. It was common ground that twelve PCNs had been issued to the vehicle for the same contravention code but only two had been paid.

2. At the outset, I raised my concern with Mr Murray-Smith that no factual explanation had been provided from the appellant at any stage as to why the vehicle was parked at the location in this manner. Further, no explanation had been given by the appellant as to how long the vehicle was parked at the location. Mr Murray-Smith said he had been advised by the appellant that the vehicle was parked and he did not return to it for around one month. There was nothing in writing to support this assertion. I have therefore considered the facts as at each time the vehicle was observed.

3. Mr Murray-Smith submitted that there was only one contravention as the vehicle remained in situ for around one month. There was no rule set in law that a new contravention occurred every 24 hours. The Council were not permitted to issue multiple PCNs for a single wrong. Only one PCN should have been issued for a single contravention, which lasted around one month. Further, it was open to the Council to remove the vehicle.

4. The Council maintained that the vehicle was not permitted to park at the location. They accepted that one PCN had been cancelled as it had been issued within 24 hours of another PCN. This was in line with operational guidance issued in around 2010, which encouraged Council's not to issue a second PCN for the same contravention within a 24 hour period. The PCNs under challenge were not issued on sequential days and no explanation had been provided as to why the vehicle was at the location. The Council did not operate a policy of removing vehicles from this location.

5. The "no parking at any time" restriction applied at all times and no exemptions applied. It was common ground that on each occasion the vehicle was observed, it was parked with the rear of the vehicle on double yellow lines. Roughly a quarter of the vehicle was in the restricted area. It was not disputed that the

vehicle was not permitted to park on and overhang the double yellow lines.

6. It was for the motorist to ensure that the vehicle was parked in accordance with the rules. The appellant provided no explanation to the Tribunal or Council as to why the vehicle was parked in this manner, he said nothing as to whether it was moved and if not moved, why he did not check the vehicle given that it was parked in relatively close proximity to his residential property. The vehicle appears to have been observed on various days over a period of time and on each occasion it was parked contrary to the rules.
7. Mr Murray-Smith is right that there is no legal requirement for PCNs to be cancelled if they are issued within a 24 hour period, this was guidance that formed part of the 2010 Operational Guidance to Local Authorities. In my view it is, effectively, good practice not to issue multiple PCNs within the same day for the same contravention. Likewise, vehicles are not permitted to park and remain parked in a restricted area over time. The appellant left the vehicle at the location (if it is the case that it was not moved) at his own risk. On the facts, I find that on each occasion the vehicle was observed the CEO correctly recorded that a contravention had occurred. Each PCN was properly issued.
8. The matters raised by Mr Murray-Smith really amount to mitigation. However, consideration of mitigation is a matter for the Council as they have discretion as to whether to enforce a PCN. Given the lack of explanation from the appellant, the Council decided not to cancel the PCNs. These were decisions they were entitled to make.
9. The appeal is dismissed. Mr Garside remains liable for each PCN at £70 each.”

The application for review

The reviewing adjudicator identified no ground for review.

The application for judicial review

The application on the ground of unlawfulness, irrationality or perversion was refused. The Claimant had not shown to the relevant standard that the decision was either irrational or perverse, or that the decision was so unreasonable that no reasonable authority could ever have come to it or that the defendant failed to take into account a relevant or material consideration, took into account an irrelevant consideration, or was unreasonable in relation to a non-mandatory consideration and the decision reached.

Case:

The King on the Application of Yash Kansal -v- Traffic Penalty Tribunal and Manchester City Council (interested party) CO/3086/2022
Kansal v Manchester City Council (TPT MC00153-2203)

The appeal decision

“Mr Kansal accepts he had parked in Stockport Road at the time the council say his vehicle was observed by a civil enforcement officer and having seen the photographs taken by the officer he now recollects that he had stopped on an emergency basis to check whether his GPS on his mobile phone was working and he got out of the car to ask someone if he was travelling in the right direction, he was not familiar with the area.

Mr Kansal says he did display his disabled badge, a copy of which he provides with his evidence and having considered the council’s evidence, notes the civil enforcement officer says he did not see a disabled badge and noted he saw a man, “30,” return to the car when he is over 74 years of age. Mr Kansal says he had parked in accordance with the single yellow line and had not obstructed other road users and in the circumstances he says the PCN should not be enforced.

The council’s evidence of the contravention is contained in notes made by the civil enforcement officer of his observation of the vehicle and three photographs of the vehicle and the signage in place all timed at 16:54 hours and in this respect, whilst Mr Kansal queries the timings, I accept all three photographs of the vehicle could have been taken within a minute

The photographs show no one was in the front seats of the vehicle, a disabled badge cannot be seen but in this respect I accept it was dark and whilst the photographic evidence is not clear on this point the officer has made a note a badge was not seen in the vehicle. The photographs show the vehicle was parked on a clear single yellow line and there were single kerb markings on the pavement next to the car that indicated

the presence of the loading ban. The car was also parked in reasonable proximity to the parking sign in front of it that indicated the loading ban applied on Mondays to Saturdays between 4:00pm and 6:30pm and as such, there was no entitlement to park with a disabled badge and also no requirement for a civil enforcement officer to allow an observation or grace period. The blue badge handbook explains this under the heading, "Places where you cannot park," these places include, "Places where a ban on loading or unloading is in force, as indicated...by kerb markings."

The civil enforcement officer noted as he was issuing the PCN an, "Asian male, 30," returned to the car and drove off before the PCN could be handed to the driver or attached to the vehicle and the PCN was subsequently issued by post.

Although Mr Kansal says in his most recent representations to the tribunal he had not been fully aware of the incident, hence some confusion in his representations, I note in none of his representations to the council or the tribunal does he make reference to the civil enforcement officer, who must, as he returned to the car, have been very near him and, as the officer recorded he saw a man of 30 years, I have considered whether Mr Kansal had not been the driver of the vehicle at this time, but had recollected another occasion when he might have been lost in Stockport Road.

The issue for me however, is whether the vehicle had been parked on a single yellow line when there was a loading ban in force and whether the officer was entitled to issue the PCN by post and in reviewing the evidence I find the photographs show the yellow line and no loading sign clearly, the kerb markings are less clear but they were visible nonetheless and I am satisfied there was no entitlement for a disabled badge holder or a person who was not a disabled badge holder to park at this time. When a loading ban is in force it does not matter that any loading activity does not take place or that the vehicle was not parked in a loading bay but it does mean the display of a disabled badge, if that was the case, does not permit parking during the times of the loading ban and whilst Mr Kansal may have wanted to check his GPS on his phone, I cannot find this was an emergency so that he had to stop where he did. I am also satisfied the vehicle was driven away before the PCN could be issued and so the council was entitled to post the PCN to Mr Kansal.

In reaching my decision I also accept the council did consider the mitigating circumstances put to them although they were rejected but where mitigation has been considered and rejected an adjudicator has no power to set this decision aside. Whilst I do understand Mr Kansal had been unaware of the effect of a loading ban and the extent to which it meant an exemption from the restriction for a disabled badge holder did not apply, I do find the contravention proved and also refuse this appeal.

The amount to be paid in respect of the PCN is £70. The discounted rate of £35 is only available to those who accept liability for a PCN and pay within fourteen days of its issue, an incentive for prompt payment but thereafter the charge is payable at the standard rate, irrespective of whether an appeal has been lodged, unless the council re-offer the discounted rate and they have not done so in this case. An adjudicator is not able to alter the amount to be paid in these circumstances and although Mr Kansal may be disappointed by this decision he is required to pay £70, the standard rate of the PCN."

The application for review

The reviewing adjudicator identified no ground for review.

The application for judicial review

The Claimant had failed to show any irrationality or perversion in the decision of the adjudicators, in particular with reference to bias and prejudice, no proper details were given. The application that showed no ground or a real prospect of success was refused.

2.3 Applications – outcome pending

Case:

*The King on the Application of Gary Parkin v The Adjudicator and Nottingham City Council (interested party) CO/1050/2023
Parkin v Nottingham City Council (TPT NG00375-2211)*

3. Key Cases

A new key cases public website is being created to bring London and Traffic Penalty Tribunal key cases together at one location, allowing all tribunal users to benefit from one site that presents consistent and accurate information. Key decisions that provide our users with clear information regarding the law or the appeal process will be published on the site with a search facility to identify the required topic.

The site will also provide direct access to the legislation governing the tribunals and to the published High Court decisions that are binding on adjudicators. For example, the user querying the legal source confirming the adjudicator's lack of power to consider mitigation, will be directed to [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2005/1540.html&query=\(walmsley\)+AND+\(adjudicator\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2005/1540.html&query=(walmsley)+AND+(adjudicator)), the relevant High Court decision.



Example Key Case: *Kimpton v West Northamptonshire Council (TPT NP00130-2210)*

The key decision below is reproduced by way of an example, the adjudicator having succinctly addressed representations frequently seen at the Traffic Penalty Tribunal that are downloaded from a misleading public website.

1. This appeal was decided at a telephone hearing on 14/11/2022 attended by Mr Kimpton and by Miss Curtis on behalf the Council.
2. The Penalty Charge Notice (“PCN”) was issued to Mr Kimpton’s vehicle for being parked in contravention of a no waiting at any time restriction in School Lane, Kettering on 02/08/2022 at 11:48am.
3. Mr Kimpton has raised a number of points in his appeal regarding the enforceability of the PCN and the conduct of the Council. He has not specifically commented on the contravention itself other than to say it did not occur. Mr Kimpton says that the Council have not presented him with a bill recognised under the Bills of Exchange Act 1882 and says that the Council cannot in any event raise a bill because there is no commercial arrangement in place between North Northamptonshire Council and himself. He also says the Council have committed fraud under the Fraud Act 2006 due to their failure to raise a bill signed in wet ink. He says that he has not consented to be governed by Acts of Parliament including the Transport Management Act 2004 and there is only one supreme authority and that is God. He also complains that the Council have not responded to the points he raised.

Findings

4. The Civil Enforcement Officer’s photographs show Mr Kimpton’s vehicle parked next to clearly marked double yellow lines. The vehicle was observed for six minutes. I am satisfied that his vehicle was parked in contravention.

5. The other matters raised by Mr Kimpton are misconceived. The Traffic Management Act 2004 is an Act of Parliament which makes provision for the civil enforcement of traffic contraventions. Regulations have been passed for the imposition of penalty charges in respect of road traffic contraventions that are subject to civil enforcement. Schedule 7 of that Act specifies the road traffic contraventions subject to civil enforcement which include parking contraventions. No agreement is necessary to this legislation. It is binding in law.
6. Mr Kimpton's vehicle was parked in contravention and he is liable to pay the penalty charge. If he wishes to review the legislative regime in place and its legal basis the proper forum is in the High Court by way of judicial review.
7. There is no evidence of fraud on the part of the Council.
8. This decision is being sent by post to Mr Kimpton as he has requested.
9. The appeal is refused.



Example Key Case: *Forster v South Tyneside Council (TPT TY00014-2211)*

A further key decision below underlines that the responsibility for navigating the vehicle clear of prohibitions rests with the driver – even if a navigation system is being followed – but also illustrates how each appeal is determined on the evidence submitted. This means that two appeals that appear, on the face of it, to have inconsistent outcomes are not inconsistent when the evidence submitted by the parties for each separate appeal is examined.

When both parties engage with the appeal process, the adjudicator can consider both perspectives fully, allowing the adjudicator to determine the appeal having had the benefit of a complete picture, as illustrated in the decision below.

1. Miss Forster appeals because she says that she was following her sat nav, does not recognise the term bus gate, which she assumed did not apply to her, and that the signage and carriageway markings for the bus gate were inadequate.
2. This location has produced a number of appeals, two of which have been decided by me. In TY00005-2203 I recorded as follows:

“I have considered previous adjudication decisions by this tribunal and it is fair to say that appeals have been both dismissed and allowed. One key recent decision, following argument from the Council's senior engineer in a telephone hearing, is TY00013-2009. For convenience I have reproduced the reasoning of Adjudicator Mr Solomons in that appeal below:

1. Mr R requested a telephone hearing for this appeal and this took place this morning. South Tyneside Council were represented by Mr Stefan Bell, Senior Engineer.
2. It was not in dispute that the vehicle, a car, had been driven at the time, date and location identified on the penalty charge notice (PCN). The council said that in doing so it had been driven in contravention of a bus lane restriction.
3. Mr R appealed on the basis that the signage of the restriction was unsatisfactory. He said that he was unfamiliar with the term "Bus Gate" as written on the road surface marking. He was in an unfamiliar area and had not, so far as he was aware, driven in a bus lane. He relied on newspaper reports indicating a large number of PCNs being issued at this site.
4. On behalf of the council Mr Bell said that the signs beside the road and the road surface markings were consistent with the requirements of national Regulations and there was advance signage in addition to make clear that "other traffic" should turn into Sterling Avenue, prior to the commencement of the restricted area of road. He said that the number of PCNs being issued had reduced.
5. I asked him why there were no interrupted line road surface markings drawing traffic into Sterling Avenue as recommended in figure 9-26 of Chapter 3 of the Department for Transport's Traffic Signs Manual (TSM). He responded that the traffic flow from the A194 into Edinburgh road in the opposite direction was such that this might lead to traffic backing up onto the main road, which might be unsafe. He was unable to provide traffic flow figures at the hearing.
6. I have reviewed the documents and photographs and have seen a significant number of other appeals relating to signage at this location.
7. Edinburgh road used to be the main exit from a housing estate onto the A194. A short distance prior to the main road junction the council has installed a bus gate. A bus gate is a short section of bus only street and falls within the legal definition of a bus lane. Whilst I accept that Mr R may be unfamiliar with the term Bus Gate, this road surface marking is required by the Regulations and so the council are not to be criticised for using it. On the other hand, the roadside sign meaning local buses and cycles only is included in the Highway Code, and has been for many years and so drivers may reasonably be taken to understand them.
8. Where a bus gate is located midway along a straight section of road, and not at a junction, it is of particular importance that signage is clear to indicate to drivers that they should not simply continue along the same section of road. That may be a particular importance where the road leads to a main junction.
9. The TSM recommends a number of means to assist drivers to realise there is a Bus Gate restriction ahead. There must be advance signage, and I recognise that the signage used is consistent with the type recommended. At paragraph 9.7.3 it is recommended "that part of the carriageway reserved for buses should be separated from the opposing flow traffic by a traffic island...". No such traffic island has been provided.
10. The paragraph continues "If a bus gate is placed on a road that was previously a signed route or was used by significant through traffic, consideration should be given to providing or changing directional signing to guide prohibited traffic to use the preferred alternative route...". No such directional signing has been provided, notwithstanding this was a main exit from the estate leading to a major road.
11. Figure 9-26 recommends the use of interrupted lines to draw traffic into the "other traffic" route. None have been provided. It may well be that the council are justified in their view that this would be undesirable if there is substantial traffic flow from the A194 in the opposite direction, but firstly traffic flow figures have not been provided to me and secondly if that is right then traffic flow in the opposite direction is likely to be substantial and the need for additional signing making clear that traffic should turn into Sterling Avenue is enhanced.
12. Overall, whilst it is not for me to dictate to the council what further measures should be taken, I am not satisfied that the signage at this location meets the required standard of adequacy and for that reason this appeal is allowed."

The Council relied on the same map based photographic evidence in this appeal as it did in TY00013-2009. It therefore does not appear that any changes have been made to the signage and carriageway markings in place since that appeal. I am not bound to follow the decision of another adjudicator in a previous appeal. However, I find Adjudicator Mr Solomon's reasoning to be persuasive, particularly as he had the benefit of oral submissions and argument from the Council's senior engineer when making his decision. I would add that, whilst the term "bus gate" cannot be criticised, the co-location of a "bus gate" carriageway marking and the signage for the bus gate with the markings for a bus stop (evidence tab 1) could cause confusion.

For these reasons I am not satisfied that a motorist would be given adequate information of the restriction. That means that there was no contravention.

3. See also TY00006-2204.
4. The Council's evidence in this appeal is substantially the same as in the previous appeals I have mentioned, with the addition of traffic flow figures (evidence tab 10). However, in previous appeals I had made the point that I did not have the benefit of submissions from the Council. The Council now makes extensive written submissions both to address Miss Forster's comments about the term bus gate and to address the points which had arisen in the previous appeals (evidence tab 11). The key points made by the Council are that (i) it is for the Council to decide on the signing regime, with TSM in particular acting only as guidance; and (ii) it would not be safe or practicable to adopt the suggestions (a) of a traffic island or (b) a changed priority with the interrupted lines on the carriageway drawing traffic into Stirling Avenue (noting that the Council says that it considered the example given in TSM figure 9-26 but that the road layout at this location is different to that example).
5. First, I agree with the Council's position that lack of familiarity with the term bus gate is not a defence. The term is in TSRGD and guidance and applies to a short length of bus lane or bus only road. It is also no defence for a motorist to follow their sat nav into a restriction. The onus is on the motorist to follow signage and carriageway markings in place.
6. In relation to the signage the question for an adjudicator is whether, viewing the situation as a whole, the signage gives adequate information of the restriction to a motorist. Guidance is helpful but (as the Council effectively says) is not determinative. Whilst Adjudicator Mr Solomons made reference to traffic flow figures, they may explain the reason why a Council has chosen a particular road layout, but that does not mean that the signage is adequate.
7. However, it is not for an adjudicator to denude a restriction of its effect in circumstances where the Council has considered guidance and concluded that there are reasons why the preferred approach would not work. Whilst the traffic figures provided by the Council do not provide a full picture because they do not indicate how much traffic would have to wait at an altered junction between Edinburgh Road and Stirling Avenue (which presumably would depend on the volume of traffic heading into or out of Stirling Avenue) I accept the broad thrust of the Council's submission that it had concluded that the alternative road layout would introduce safety concerns at that junction and on the A194. The Council also makes the point that traffic flow improvements would be reduced with the alternative layout. It appears therefore that the road layout is the most sensible available, and there are legitimate reasons for not following the preferred example in TSM guidance.
8. The Council makes the point that the width of the carriageway is not sufficient to accommodate a traffic island at the bus gate.
9. Having explained the Council's position in response to the points made by Adjudicator Mr Solomons at paragraphs 9 - 11 of his decision quoted above, it seems to me a simple exercise of determining whether the signage in place would give adequate information, recognising that it is not perfect. There is (as the Council says) two sets of advanced warning signage, with the signage closest to the bus gate including directional information for other traffic. There are bus gate and camera warning signs at the bus gate itself and the carriageway has a differentiated carriageway colour and "bus gate" marking. The Council's photographs show these to be clearly visible and, viewing the situation as a whole, I am satisfied that they would give adequate information, notwithstanding the objections which can be taken to them.
10. It follows that by using the bus gate Miss Forster contravened the bus gate restriction and the Council was entitled to issue and serve the PCN. I dismiss Miss Forster's appeal and she must now pay the penalty charge to the Council.

4. Training and Appraisal

4.1 Training

Cross-deployment of adjudicators

Nine adjudicators from London Tribunals have been cross-deployed, allowing them to be appointed to sit at the Traffic Penalty Tribunal (TPT). This shared use of expertise and experience recognises and applies the Senior President of Tribunals' aim to achieve cross-deployment within the tribunals system, within HMCTS and outside it. A requirement of the cross-deployment was that the given London adjudicator had been assessed as competent under the London appraisal scheme and that they took part in a full TPT training day (see 4.1.2. below).

The nine adjudicators are familiar with the relevant law and procedures, as well as having experience in using an automated case management system, so were able to start working on TPT's case load seamlessly. The cross-deployment initiative not only shares skills, legal knowledge and expertise, but also serves to ensure that traffic tribunal users, both inside and outside of London, benefit from a more cohesive, consistent approach to the application of the regulations and interpretation of the law.

The nine adjudicators join two others currently appointed to sit in both jurisdictions (see adjudicator list on the following page).

December 2022 training day

Adjudicators joined together for TPT's training day on 8 December 2022, held in Manchester. The training programme included a presentation from the Judicial College trainer, Leslie Cuthbert, which focused on tribunal skills and topics, such as 'assessing credibility and reliability' and 'bias and assumptions', as well as 'the function of the independent adjudicator', 'natural justice' and 'the impartial hearing'.

There were also technical sessions on the new moving traffic contraventions and the adequacy of signage, as well as the now widespread enforcement of Clean Air Zones. Finally, the newly cross-deployed adjudicators received training on the use of the TPT's digital case management system.

Training meetings allow adjudicators to explore their skills, abilities and capabilities, while bringing the cohort together to discuss and exchange best practice and processes, as well as ideas for innovations and efficiencies that may have been encountered sitting across traffic and other courts and tribunals. The learning experience involved includes interaction and feedback from our administrative support team members, allowing each arm of the TPT to participate and gain from the knowledge sharing.

4.2 Appraisal

Taking part in the Tribunal's appraisal scheme is mandatory for TPT adjudicators. Like other courts and tribunals, the TPT's scheme is in place to maintain judicial standards and ensure consistency of practices. Appraisal also helps maintain public confidence in judicial performance and ensures that all adjudicators keep up-to-date with law and regulations, and remain able to demonstrate the competencies necessary for their role.

The Traffic Penalty Tribunal's appraisal scheme is based on the former Judicial Studies Board's *Tribunal Competences: Qualities and Abilities in Action*, tailored for the TPT and updated to reflect the judicial skills and abilities framework issued by the Senior President of Tribunals.

At appraisal, hearings are observed and written determinations discussed, assessing a number of core competencies (see following page).

The expectation is that adjudicators will also find the appraisal process useful, allowing them to receive constructive feedback, raise queries and make suggestions that can benefit the efficiency of the Tribunal.

Issues that may come to light at appraisals are then used to inform the Tribunal's training programme, so that training can be focused, pertinent and of benefit to the adjudicators.

TPT appraisal competencies

A: Knowledge and values

To ensure a suitable level of knowledge of the jurisdiction, law and procedure of tribunals, and an understanding of the appropriate principles and standards of the Traffic Penalty Tribunal.

B: Communication

To ensure effective communication between the adjudicator, parties and members of staff.

C: Conduct of cases/case management

To ensure the fair and timely disposal of appeals.

D: Evidence

To ensure that all relevant issues are addressed by eliciting and managing evidence, applying the relevant burden and standard of proof.

E: Decision making

To ensure effective deliberation, structured decision making and the timely disposal of the case

The appraisal of all adjudicators sitting at the Traffic Penalty Tribunal took place between July and September 2022.

Appraisal takes place a year after appointment and is then repeated on a three-year cycle. The newly cross-deployed adjudicators will be due for appraisal in March 2024, with those appraised in 2022 due for appraisal from July 2025.

5. The Adjudicators

5.1 Changes and current list

This reporting year saw the retirement of: Chief Adjudicator Caroline Sheppard OBE; adjudicator Stephen Knapp (who served as Deputy Chief Adjudicator under Caroline Sheppard); Margaret Kennedy; Deborah Gibson; Edward Solomons and Shan Cole. We thank them for their long-standing commitment and contribution to TPT's work, and wish them a long, fulfilling retirement.

Adjudicator Paul Pearson, who retired from the Tribunal in April 2022, sadly passed away and is missed by colleagues who remember his good humour and wisdom.

Finally, we congratulate adjudicator George Lubega on his appointment as a District Judge and thank him for his solid commitment to TPT over the years. Adjudicator Anwen Lewis has also departed and we thank her for her work.

The current list of adjudicators is as follows:

Philippa Alderson*
Andrew Barfoot
Davin Binns
Teresa Brennan*
Michael Burke*
Katherine Cartwright
Joanne Coombe*
George Dodd*
Gillian Ekins*
Cordelia Fantinic*
Bhopinder Gandham
Joanne Garbett
Natalie Goffe*
Toby Halliwell
Caroline Hamilton*
Martin Hoare
Annie Hockaday
Judith Ordish
Belinda Pearce*
James Richardson
Mackenzie Robinson
Timothy Thorne*
Sarah Tozzi
Rhys Williams
Jill Yates

*Also London Tribunal Adjudicators



5.2 Former Chief Adjudicator, Caroline Sheppard OBE, in Q&A

Caroline Sheppard OBE was responsible for establishing the first decriminalised tribunals addressing parking and other traffic appeals in England and Wales.

This was achieved first in her role as Chief Adjudicator at the Parking Appeal Service in London in 1992, then replicated as Chief Adjudicator at the National Parking Adjudication Service (now the Traffic Penalty Tribunal) from 1999.

Caroline was ultimately responsible for the TPT's innovative end-to-end digital case management system, held up as an exemplar by senior members of the judiciary, leading academics and legal commentators, globally. In 2017, she was awarded the OBE for her services to motorists.

Caroline retired as Chief Adjudicator at the TPT in 2022, but remains actively engaged in dispute resolution and justice reform. Here we catch up with her on what she has been up to and her thoughts, looking back.

Q. What is keeping you busy at the moment?

A. Retirement has not been as relaxing as I thought it would be. I was worried that I would be at a loose end, but I have been keeping very busy.

I am a member of the Administrative Justice Council, which has oversight of the whole of the administrative justice system, and I am currently chairing a working party looking at the digitalisation of the Court and Tribunal systems, with a view to promoting practical and accessible processes. I am also a member of 'Justice', the law reform and human rights organisation, and am currently engaged in discussions regarding the legal framework around private parking.

Q. What are your memories of setting up the decriminalised appeal systems?

A. Starting afresh, without any legacy, meant I could adopt an approach that focused on the users' needs, creating an appeal system that was accessible and user-friendly from scratch. The Traffic Penalty Tribunal was created with a focus on the values of the judiciary and due process principles, without the unnecessary burdens of officialdom and inherited practices that usually plague tribunals. With such a fresh start there is a huge benefit to progress and innovation. We were also fortunate to have a joint committee (now Parking and Traffic Regulations Outside London [PATROL]) that was united and entirely supportive of the independent tribunal.

Q. What were the main challenges?

A. Designing an inclusive system, accessible to users and reflecting their needs, was paramount, and moving from dealing with 33 London Boroughs to a nationwide body of 300+ councils (including in Wales) was a scale that required a high-level of organised thinking and planning.

Q. Is there anything you would have done differently on reflection?

A. Probably lots of things! The systems were set up relatively intuitively in an agile manner. I am certainly proud of leaving a female-centric heritage and pleased that TPT and PATROL remain organisations led by women.

Further information on Caroline Sheppard's achievements can be found at: <https://www.trafficpenaltytribunal.gov.uk/caroline-sheppard-obe-to-retire-as-chief-adjudicator/>



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Report design by Amped Consultancy Ltd

PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Amendments to the PATROLAJC Deed Agreement
Report of:	Sarah Baxter, Democratic Services and Policy Manager

1. Purpose of Report

- 1.1. To inform the Joint Committee of the amendments to the PATROLAJC Deed Agreement in line with changes to legislation. The Executive Sub Committee approved the amendments at its meeting on the 24th January 2023., however the Joint Committee is also required to formally note the amendments.

2. Recommendations

- 2.1. To note the amendments to the PATROLAJC Deed Agreement including amendments to all associated documents within the agreement as contained in Appendix One of the report.
- 2.2. To note that from March 2023 the Bus Lane Adjudication Service Joint Committee and Bus Lane Adjudication Service Joint Committee Executive Sub Committee ceased to exist and that the PATROL Adjudication Service Joint Committee and PATROL Adjudication Joint Service Committee Executive Sub Committee now have responsibility for all matters relating to bus lane enforcement.

3. Reasons for Recommendations

- 3.1. In order to comply with changes to the Transport Act 2000 and the Traffic Management Act 2004.

4. Background

- 4.1. The Traffic Management Act 2004 (“the 2004 Act”) was introduced in order to tackle congestion and disruption on the road network. The 2004 Act places a duty on local authorities to make sure traffic moves freely and quickly on their roads and the roads of nearby authorities. Further to this the 2004 act gives

councils more tools to manage parking policies, coordinate street works and enforce some moving traffic offences.

- 4.2** Part 6 of the 2004 Act confers powers on the Lord Chancellor and “the appropriate national authority” (in England, the Secretary of State) to make statutory instruments providing for a national legislative framework for the civil enforcement by local traffic authorities of contraventions of parking, bus lane, and certain moving traffic restrictions such as ignoring no entry signs, waiting on box junctions and performing banned turns. These regulations make provisions with regard to representations to the enforcement authority and appeals to an adjudicator by those on whom penalties are imposed.
- 4.4** Historically, all road traffic violations were contraventions enforced by the police. However, to enable the police service to focus its resource on other priorities, several Acts have been introduced since the 1990s decriminalising some traffic contraventions, converting them to civil contraventions, and transferring to local authority enforcement.
- 4.5** Civil enforcement of parking and bus lane contraventions has become commonplace across England, and, since 2003, civil enforcement of moving traffic contraventions has operated successfully in London under the London Local Authorities and Transport for London Act 2003. However, elsewhere the equivalent moving traffic enforcement powers under Part 6 of the 2004 Act were never commenced.
- 4.6** The Government has now decided to implement the moving traffic enforcement powers; recognising the dual imperatives to improve air quality through reduced traffic congestion, and to encourage behavioural shift towards sustainable travel choices by keeping junctions and cycle lanes clear of obstructing vehicles to improve bus reliability and to promote cycling. This commitment was made by the Prime Minister in launching the Government’s broader policy to further promote active travel choices, post Covid-19, in its policy document ‘Gear Change: a bold vision for cycling and walking’. That document highlighted the need for local authorities to have the necessary enforcement powers to improve traffic flow.
- 4.7** As a result the legislative opportunity has been taken to transfer the bus lane enforcement regime outside London from the Transport Act 2000 (“the 2000 Act”) to the bus lane enforcement provisions in Part 2 of Schedule 8 of the 2004 Act. This reflects the original intention when the 2004 Act was introduced.
- 4.8** This means that there will be no requirement for a separate Bus Lane Adjudication Service Joint Committee or Bus Lane Adjudication Service Joint Committee Executive Sub Committee. Powers of both these committees will be transferred to the PATROL Adjudication Joint Committee and its Executive Sub Committee.
- 4.9** Under the 2000 Act, motorists contravening bus lane restrictions outside London did not have the following stronger rights of representation and appeal available to them under the 2004 Act for parking (and the new moving traffic)

contraventions. These are: procedural impropriety on the part of the local authority; an express duty placed on local authorities to consider 'compelling reasons' put forward by appellants to support their case; the power for adjudicators to refer cases back to local authorities, and a requirement for local authorities to respond to representations within 56 days. Aligning bus lane contraventions under the 2004 Act corrects this anomaly by giving motorists equal rights of representation and appeal in parking, bus lane and moving traffic cases.

- 4.10** The instrument extends the long-established rights of representation and appeals for parking contraventions to bus lane and moving traffic contraventions outside London.
- 4.11** Bringing bus lane powers under the 2004 Act also enables Ministers to publish statutory guidance to local authorities on bus lane enforcement for the first time, which local authorities must have regard to. This provides an opportunity to set out best practice in how bus lane enforcement powers should be exercised.
- 4.12** Further to this there is also an opportunity to make further minor amendments to the deed with specific reference to the Standing Orders contained within schedule four of the agreement which are necessary including an amendment to the quorum where there is an anomaly within paragraph (i) of schedule four which states:-

'The quorum of the PATROLAJC shall be one twentieth of the number of the Participating Authority representatives but in any event not less than three, and the quorum of a Sub-Committee shall be one quarter of the number of members of the Sub-Committee but in any event not less than three'.

- 4.13** For the avoidance of doubt, it has been proposed that the quorum for the Joint Committee and its Executive Sub Committee should be a minimum number of 8 attendees. The current wording in relation to the quorum is confusing and the potential for decisions to be made by only three members present could be considered to be undemocratic.

5. Implications

5.1. Legal

- 5.1.1** None as the report is for noting.

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APPENDIX ONE

DATED

20142023

DEED

relating to a parking and traffic regulations outside London
adjudication joint committee



N A B A R R O

125 London Wall London
EC2Y 5AL

Tel: +44 (0)20 7524 6000

P2394/00003/70902597 v.8

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DEED

DATE

20142023

3 December

PARTIES

The Local Authorities listed in **Schedule 1 and Schedule 1A** of this deed in pursuance of arrangements made under Part 6 of the Traffic Management Act 2004 (the "**2004 Act**"), sections 101(5), 102(1)(b) and 101(58) of the Local Government Act 1972, section 20 of the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, the Local Authorities (Executive Arrangements) (Discharge of Functions and Responsibilities) (Wales) Regulations 2007, sections 9EA and 9E8 of the Local Government Act 2000, the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012, Local Authorities (Goods and Services) Act 1970, section 1 of the Localism Act 2011 and all other enabling powers.

RECITALS

(A) (A)—The Local Authorities listed in **Schedule 1** to this deed are enforcement authorities for the purposes of Part 6 of the 2004 Act in relation to road traffic contraventions

(B) The Local Authorities listed in **Schedule 1A** to this deed are enforcement authorities for the purposes of Part 6 of the 2004 Act in relation to bus lane contraventions

(8C) Regulations made under Part 6 of the 2004 Act provide (inter alia) that the functions relating to adjudication and adjudicators conferred on Local Authorities under section 81 of the 2004 Act and regulations made under the 2004 Act shall be discharged by them through a joint committee set up under sections 101(5) and 102(1)(b) of the Local Government Act 1972 in respect of the exercise of non-executive functions and under sections 9EA and 9E8 of the Local Government Act 2000 in respect of the exercise of functions which under executive arrangements are the responsibility of the executive of such Local Authorities.

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

a) a section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 ~~18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007~~ (the English General Regulations);

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

b Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations);

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a)

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

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~~(D)~~(E) It is expedient that provision should be made to enable other Local Authorities on whom such functions are conferred to become parties to this deed.

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~~(E)~~(F) The agreed primary objectives of the joint committee are the provision of:

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- (i) a fair adjudication service for appellants including visible independence of adjudicators from the Local Authorities in whose areas they are working;
- (ii) consistency of adjudication across the service;
- (iii) a cost effective and equitable adjudication service for all Local Authorities party to the arrangements established pursuant to this deed;
- (iv) flexibility to deal with a wide range of Local Authorities with varying levels of demand for adjudication; and
- (v) such other functions as may be conferred on the joint committee by statute from time to time (which include, at the date of this deed, the arrangements made under the Memorandum of Understanding regarding the Provision of Adjudication Services between
(1) the Secretary of State for Transport and (2) PATROLAJC dated 27 August 2014).

~~(F)~~(G) It is expedient that the arrangements established pursuant to this deed should replace those previously in place contained in:

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- (i) a deed dated 12 October 2001 and/or memoranda of participation entered into pursuant and annexed to that deed;
- (ii) a deed dated 1 May 2008 and/or memoranda of participation entered into pursuant to and annexed to that deed;
- (iii) an indemnity agreement from the joint committee to Cheshire East Council in relation to a lease of part of the Second Floor, Springfield House, Water Lane, Wilmslow dated 15 February 2013, and

(iv) an indemnity agreement from the joint committee to Cheshire East Council in relation to Cheshire East Council becoming the Lead Authority dated 28 March 2013;

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(v) a deed dated 3 December 2014 in respect of road traffic regulations and/or memoranda of participation entered into pursuant to and annexed to that deed

~~(iv)~~

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with effect from 1 April ~~2013~~2023 notwithstanding that this deed has ~~not~~ been entered into ~~until~~on the date written above.

~~(G)~~(H) This deed is adopted by the Parties as a variation to the deedss referred to in Recital ~~(FG)~~(iiiv) above by means of a resolution of the PATROLAJC dated ~~25 June 2013~~[_____] and ~~the consent in writing by at least 75% of the Participating Authorities.~~

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IT IS AGREED AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATIONS

1.1 In this deed:

"Adjudicators"

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

"Appropriate National Authority"

means the Secretary of State for Transport in respect of matters concerning those Participating Authorities situated in England and the Welsh Ministers in respect of those Participating Authorities situated in Wales;

"Financial Regulations"

means the financial standing orders and rules and the financial regulations in **Schedule 5** to this deed as may be amended from time to time by the PATROLAJC;

"Head of Service"

means such person appointed by the PATROLAJC from time to time as the head of service of the PATROLAJC;

"Lead Authority"

means Cheshire East Council or such replacement Participating Authority as the Participating Authorities may from time to time appoint to inter alia provide goods and services under the arrangements established pursuant to this deed;

"Lead Officer"

means the officer of the Lead Authority to whom functions are delegated by the PATROLAJC pursuant to this deed and to the Standing Orders;

"Local Authorities"

means those local authorities who are enforcement authorities for the purpose of Part 6 of the 2004 Act in relation to road traffic contraventions (of any description) or who are performing the functions of such an enforcement authority;

"Memorandum of Participation"

means a memorandum in the form set out in **Schedule 7** to this deed [in respect of road traffic contraventions or in the form set out in Schedule 7A to this deed in respect of bus lane contraventions](#);

"Participating Authority"

means a Local Authority which is or becomes party to the arrangements established pursuant to this deed or under **clause 13** of this deed and by virtue of a Memorandum of Participation and who are party to the arrangements established pursuant to this deed at the relevant time;

"PATROLAJC"

means the joint committee established by the Participating Authorities on the terms contained in this deed for the purpose of jointly exercising the functions referred to in this deed including those in set out in Schedule 3 (Functions), and the expression PATROL shall be construed accordingly;

"PATROLAJC Reserve Fund"

means the fund established by PATROLAJC named the "General Reserve" fund in the PATROLAJC's annual Reserves Policy Statement whose funds would indemnify the Lead Authority where required in accordance with paragraph 8 of schedule 6 where insurance is unavailable, and whose level of reserves is maintained at the level recommended annually by the PATROLAJC's Reserves Policy Statement.

"Representative"

means the person who has been appointed by each Participating Authority in accordance with law and their own constitutional arrangements to serve as the representative of that Participating Authority on the PATROLAJC;

"Standing Orders"

means the standing orders set out in **Schedule 4** to this deed or such replacement or amended standing orders as are adopted by the PATROLAJC at its annual meeting or as otherwise amended from time to time by the PATROLAJC.

- 1.2 References to any enactment include references to that enactment as for the time being amended, applied consolidated re-enacted by or having effect by virtue of any subsequent enactment and for this purpose **"enactment"** means any Act whether public general or local and includes any order rule regulations scheme or any instrument having effect by virtue of an enactment.
- 1.3 References to the discharge of any function includes references to the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the functions specified in Schedule 3 to this deed.

2. COMMENCEMENT

- 2.1 Subject to **clause 2.3** of this deed, this deed shall have effect from 1 April ~~2013~~ 2023 (the **"Commencement Date"**) notwithstanding that this deed has not been entered into until the date written above.
- 2.2 In respect of any Local Authority who joins the arrangements established pursuant to this deed after the Commencement Date, the deed shall come into effect on the date that Local Authority signs or executes a Memorandum of Participation.
- 2.3 With effect from the Commencement Date, the arrangements in this deed replace those previously in place contained in:
 - 2.3.1 a deed dated 12 October 2001 and/or memoranda of participation entered into pursuant and annexed to that deed;
 - 2.3.2 a deed dated 1 May 2008 and/or memoranda of participation entered into pursuant to and annexed to that deed;
 - 2.3.3 an indemnity agreement from the PATROLAJC to Cheshire East Council in relation to a lease of part of the Second Floor, Springfield House, Water Lane, Wilmslow dated 15 February 2013; and

2.3.4 an indemnity agreement from the joint committee to Cheshire East Council in relation to Cheshire East Council becoming the Lead Authority dated 28 March 2013.

2.3.5 a deed dated 3 December 2014 in respect of road traffic regulations and/or memoranda of participation entered into pursuant to and annexed to that deed

2.4 It is acknowledged that the PATROLAJC has entered into a memorandum of understanding with the Adjudicators dated 21 November 2012, a copy of which is set out in **Schedule 8** of this deed.

3. THE PATROLAJC

3.1 The Participating Authorities acknowledge that the PATROLAJC has been established as a joint committee for the purpose of exercising the functions conferred upon it.

3.2 The composition of the PATROLAJC shall be one Representative from each Participating Authority appointed in accordance with **Schedule 2** of this deed.

3.3 The PATROLAJC in exercising the functions conferred upon it shall have regard to the primary objectives set out in **recital (EF)** of this deed.

3.4 The PATROLAJC shall comply with the Standing Orders.

3.5 The PATROLAJC shall comply with the Financial Regulations.

3.6 The PATROLAJC may arrange for the discharge of any of the functions conferred on it by a subcommittee of it or by an officer of any of the Participating Authorities or by the Head of Service.

3.7 The PATROLAJC may in the exercise of its functions be advised by an official nominated by the Appropriate National Authority and such official(s) shall be entitled to attend and speak (but not to vote) at meetings of the PATROLAJC for this purpose.

4. LEAD AUTHORITY

4.1 The PATROLAJC appoints Cheshire East Council ("**CEC**") to act as Lead Authority as successor Lead Authority to the Council of the City of Manchester for the purpose of the arrangements established by this deed and on the terms set out in **Schedule 6** to this deed and CEC agrees to the appointment on these terms, with effect from the Commencement Date.

4.2 The terms of appointment of the Lead Authority are as set out in **Schedule 6** to this deed, provided that such terms of appointment may be varied from time to time by written agreement between the PATROLAJC and the Lead Authority.

4.3 The Lead Authority may resign as Lead Authority by giving not less than 12 months written notice (or such other period as may be agreed between the Lead Authority and the PATROLAJC) to the PATROLAJC, such resignation to take effect on 1 April the following year or on such other date as may be agreed between the Lead Authority and the PATROLAJC ("**Date of Resignation**"), and the PATROLAJC shall appoint a new Lead Authority with effect from the date immediately following the Date of Resignation.

4.4 The appointment of the Lead Authority may be terminated by the PATROLAJC by the giving of not less than 12 months written notice (or such other period as may be agreed between the Lead Authority and the PATROLAJC) to the Lead Authority, such termination to take effect on

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1 April the following year or on such other date as may be agreed between the Lead Authority and the PATROLAJC ("**Date of Termination**") and the PATROLAJC shall appoint a new Lead Authority with effect from the date immediately following the Date of Termination.

- 4.5 Following the giving of notice of resignation or termination of the appointment of the Lead Authority, the outgoing Lead Authority and any Participating Authority which has been nominated as the new Lead Authority shall take such measures as are necessary to ensure the efficient and expeditious transition of responsibility (including transfer of staff) between them.

5. FINANCIAL MATTERS

- 5.1 The Participating Authorities shall contribute such sums in relation to the establishment and operation of arrangements pursuant to this deed (including but not limited to the costs and expenses properly incurred by the Lead Authority and those of the PATROLAJC) in such proportions as may be determined from time to time by the PATROLAJC.
- 5.2 The PATROLAJC shall not later than 31 January in each year adopt a budget of estimated expenditure by it for the ensuing year commencing on the 1 April and shall in accordance with such budget determine the amount of contributions from each of the Participating Authorities in that year, the date or dates on or before which a payment or payments in respect of the contributions are required to be made and the amount of that payment or each of those payments.
- 5.3 The PATROLAJC may require Participating Authorities to pay such contribution by means of such periodic payments as it may deem appropriate.
- 5.4 Any liabilities arising, incurred or entered into prior to the Commencement Date under the terms of the arrangements referred to in **recital (FG)** of this deed shall be carried forward into the arrangements under this deed and the Participating Authorities shall be so liable as if the liabilities had arisen, been incurred or entered into under the terms of the arrangements set out in this deed.

6. CONFIDENTIALITY

Except where disclosure is required by law (including but not limited to pursuant to the Freedom of Information Act 2000 or the Environmental Information Regulations 2004) or to professional advisers and subject to the provisions of the Standing Orders and **clause 7** of this deed each Participating Authority shall in respect of this deed and all information that may be derived from or in connection with the PATROLAJC or from this deed (the "**Information**"):

- 6.1 treat the Information as confidential and not disclose the Information to persons or entities not being Participating Authorities without the prior written consent of the PATROLAJC; and
- 6.2 take all necessary precautions to ensure that the Information is treated as confidential and not disclosed in accordance with **clause 6.1**.

7. DATA PROTECTION

- 7.1 Each Participating Authority shall not (except as required by law) disclose or allow access to personal data provided or acquired by the PATROLAJC (other than data supplied to the

PATROLAJC by the Participating Authority concerned) for the purposes of this deed other than to another Participating Authority for the purpose of this deed.

- 7.2 Any disclosure of or access to personal data permitted by **clause 7.1** shall be made in confidence and shall extend only so far as that which is specifically necessary for the purposes of the performance of the functions of the PATROLAJC.

8. PUBLICITY

Subject to the Standing Orders, no Participating Authority shall arrange a press release or other forms of publicity regarding the functions of the PATROLAJC without the prior written consent of the PATROLAJC.

9. WITHDRAWAL OF A PARTICIPATING AUTHORITY FROM THE ARRANGEMENT

- 9.1 A Participating Authority may by notice given in writing to the Lead Officer not later than the 31 March in any year withdraw from the arrangements established pursuant to this deed with effect from 1 April the following year.
- 9.2 Withdrawal of a Participating Authority pursuant to **clause 9.1** shall not affect any liabilities of that Participating Authority arising incurred or entered into prior to the effective date of withdrawal nor unless otherwise agreed by the PATROLAJC shall the withdrawal entitle that Participating Authority to any repayment of contributions made to the budget of the PATROLAJC.
- 9.3 Subject to **clause 9.2**, the withdrawal of a Participating Authority from the arrangements established pursuant to this deed shall not affect the validity or the continuation of those arrangements between the remaining Participating Authorities.

10. NOT USED

11. TERMINATION

- 11.1 The arrangements contained in this deed may be terminated:
- 11.1.1 by a decision of a simple majority of those voting at a duly convened meeting of the PATROLAJC; or
- 11.1.2 where there is no Lead Authority and no Participating Authority is willing to become the Lead Authority on expiry of the notice given by or to the outgoing Lead Authority pursuant to **clause 4.3** or **clause 4.4** (as the case may be).
- 11.2 If the arrangements established pursuant to this deed come to an end an account shall be taken of such assets, proceeds and liabilities of the PATROLAJC and the assets of the PATROLAJC shall then be realised and the proceeds of the PATROLAJC shall be applied in discharge of the liabilities of the PATROLAJC and paying the expenses of winding up of the arrangements and:
- 11.2.1 any surplus shall be distributed (after first repaying any special advances or contributions made by any Participating Authority to the assets of the PATROLAJC) in accordance with

the proportion in which the Participating Authority concerned contributed towards the acquisition of the asset in question or such other proportions as may be agreed between the Participating Authorities; and

- 11.2.2 any deficit shall be met by each of the Participating Authorities in accordance with such proportions as may be agreed between the Participating Authorities.

12. VARIATION

This deed may be varied with the consent of a simple majority of those voting at a duly convened meeting of the PATROLAJC.

13. ADDITIONAL LOCAL AUTHORITIES

Any Local Authority who is or becomes an enforcement authority for the purposes of Part 6 of the 2004 Act in relation to road traffic contraventions [or bus lane contraventions](#) or performs the functions of such an enforcement authority shall on the date agreed between that Local Authority and the Lead Officer and evidenced by a Memorandum of Participation executed or signed on behalf of the relevant Local Authority become party to the arrangements established pursuant to this deed and from that date shall be bound by the terms of this deed and shall (without prejudice to the generality of the foregoing) contribute to the costs of the arrangements established pursuant to this deed in such proportion as may be agreed by the PATROLAJC.

14. NOTICES

- 14.1 Any notice to be given to the PATROLAJC or to any Participating Authority shall be sufficiently given if sent by first class letter, facsimile transmission or email to the Town Clerk, Secretary or Head of Service of the Participating Authority concerned or the Lead Officer of the PATROLAJC (as appropriate);
- 14.2 If any notice is sent in accordance with 1.1, it shall, subject to proof to the contrary, be deemed to have been received by the Participating Authority or the PATROLAJC (as the case may be) on:
- 14.2.1 the second business day after the date of posting;
- 14.2.2 on successful transmission of a facsimile if transmitted before 4pm on a business day and otherwise at 9am on the next business day;
- 14.2.3 on the sending of an email if sent before 4pm on a business day and otherwise at 9am on the next business day.
- 14.3 To be effective, such notice or communication must be sent to the most recent address, facsimile number or email address notified to the other party.

15. ARBITRATION

Any dispute which may arise between the Participating Authorities about this deed and/or the arrangements established pursuant to this deed unless otherwise stipulated shall be referred to

and determined by a single arbitrator nominated by the Chartered Institute of Arbitrators on the application of the PATROLAJC.

The Parties have, pursuant to recital (FG), executed and delivered this deed on the date written above.

Schedule 1

Participating Authorities
(Road Traffic
Contraventions)

1. Adur District Council
2. Allerdale Borough Council
3. Amber Valley Borough Council
4. Arun District Council
5. Ashfield District Council
6. Ashford Borough Council
7. ~~Aylesbury Vale District Council~~
~~Babergh District Council~~
8. Barnsley Metropolitan Borough Council
9. Barrow Borough Council
10. Basildon ~~District Borough~~ Council
11. Basingstoke and Deane Borough Council
12. Bassetlaw District Council
13. Bath and North East Somerset Council
14. Bedford Borough Council
15. Birmingham City Council
16. ~~BSlaby District Council~~
17. Blackburn with Darwen Borough Council
- ~~18.~~ Blackpool Borough Council
- ~~18.19.~~ Blaenau Gwent County Borough Council
- ~~19.20.~~ Bolsover District Council
- ~~20.21.~~ Bolton Metropolitan Borough CouncilBC
- ~~24.22.~~ Borough Council of Kings Lynn and West Norfolk
- ~~22.~~ ~~Borough of Poole~~
23. Boston Borough Council
24. Bournemouth, Christchurch and Poole Borough Council
- ~~25.~~ Bracknell Forest Borough Council
- ~~26.~~ City of Bradford (City of) Metropolitan Borough Council

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27. Braintree District Council

26-28. Breckland Council

27-29. Brentwood Borough Council

28-30. Bridgend County Borough Council

29-31. Brighton & Hove City Council

32. Bristol City Council

30-33. Broadland District Council

34-34. Bromsgrove District Council

32-35. Broxbourne Borough Council

33-36. Broxtowe Borough Council

34-37. Buckinghamshire County Council

35-38. Burnley Borough Council

39. Bury MBC Metropolitan Borough Council

36-40. Caerphilly County Borough Council

37-41. Calderdale Borough Council

38-42. Cambridge City Council

39-43. Cambridgeshire County Council

40-44. Cannock Chase District Council

44-45. Canterbury City Council

42-46. Cardiff City Council

43-47. Carlisle City Council

44-48. Carmarthenshire County Council

45-49. Castle Point Borough Council

46-50. Central Bedfordshire Council

47-51. Ceredigion County Council

48-52. Charnwood Borough Council

49-53. Chelmsford City Borough Council

54. Cheltenham Borough Council

50-55. Cherwell District Council

54-56. Cheshire East Council

52-57. Cheshire West and Chester Council

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53-58. Chesterfield Borough Council

54-59. Chichester District Council

55. ~~Chiltern District Council~~

56-60. Chorley Borough Council

57. ~~Christchurch Borough Council~~

58-1. ~~City of Bradford Metropolitan Borough Council~~

59-1. ~~City of Lincoln Council~~

60. ~~City of York Council~~

61. Colchester Borough Council

62. Conwy County Borough Council

63. Copeland Borough Council

64. Cornwall Council

65. Cotswold District Council

66. County Durham Council

65.

66-67. Coventry City Council

67-68. Craven District Council

68-69. Crawley Borough Council

69-70. Cumbria County Council

70-71. Dacorum Borough Council

71-72. Darlington Council

72-73. Dartford Borough Council

73. ~~Daventry District Council~~

74. Denbighshire County Council

75. Derby City Council

76. Derbyshire County Council

77. Derbyshire Dales District Council

78. Devon County Council

79. Doncaster Metropolitan Borough Council

80. Dorset ~~County~~ Council

81. Dover District Council

82. Dudley Metropolitan Borough Council

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~~83.1. County Durham Council~~

~~84.83. Eastbourne Borough Council~~

~~85.84. East Devon District Council~~

~~86. East Dorset District Council~~

~~87.85. East Hampshire District Council~~

~~88.86. East Hertfordshire District Council~~

~~89.87. East Lindsey District Council~~

~~90.88. East Riding of Yorkshire~~

~~89. East Staffordshire Borough Council~~

~~94.90. East Suffolk District Council~~

~~92.91. East Sussex County Council~~

~~93.92. Eastleigh Borough Council~~

~~94.93. Eden District Council~~

~~95.94. Elmbridge Borough Council~~

~~96.95. Epping Forest District Council~~

~~97.96. Epsom and Ewell Borough Council~~

~~98.97. Erewash Borough Council~~

~~99.98. Essex County Council~~

~~100.99. Exeter City Council~~

~~104.100. Fareham Borough Council~~

~~101. Flintshire County Council~~

~~102. Folkestone & Hythe District Council~~

~~103.1. Fylde Borough Council~~

~~103. Forest of Deane District Council~~

~~104. Fylde Borough Council~~

~~104.~~

105. Gateshead Metropolitan Borough Council

106. Gedling Borough Council

107. Gloucester City Council

~~108. Gloucestershire County Council~~

~~109. Gosport Borough Council~~

~~110. Gravesham Borough Council~~

~~108.~~

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- 409.111. Great Yarmouth Borough Council
- ~~410.1. Gravesham Borough Council~~
- 411.112. Guildford Borough Council
- 113. Gwynedd Council
- ~~412. Halton Borough Council~~
- 443.114. Hambleton District Council
- 444.115. Hampshire County Council
- 445.116. Harborough District Council
- 446.117. Harlow ~~Borough District~~ Council
- 447.118. Harrogate Borough Council
- 448.119. Hart District Council
- 449.120. Hartlepool Borough Council
- 420.121. Hastings Borough Council
- 421.122. Havant Borough Council
- 422.123. Herefordshire ~~District~~ Council
- 423.124. Hertfordshire County Council
- 424.125. Hertsmere Borough Council
- 425.126. High Peak Borough Council
- 426.127. Hinckley and Bosworth Borough Council
- 427.128. Horsham District Council
- 428.129. Hyndburn Borough Council
- 429.130. Ipswich Borough Council
- 430.131. Isle of Anglesey County Council
- 434.132. Isle of Wight Council
- 432.133. Kent County Council
- 433.134. Kingston upon Hull City Council
- 135. Kirklees Metropolitan Borough Council
- ~~434.136. Knowsley Metropolitan Borough Council~~
- 435.137. Lancashire County Council
- 436.138. Lancaster City Council
- 437.139. Leeds City Council

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~~138~~.140. _____ Leicester City Council

~~139~~.141. _____ Leicestershire County Council

~~142~~. Lewes District Council

~~143~~. City of Lincoln (City of) Council

~~140~~.

~~141~~.144. _____ Lincolnshire County Council

~~142~~.145. _____ Litchfield District Council

~~143~~.146. _____ Liverpool City Council

~~144~~.147. _____ Luton Borough Council

~~145~~.148. _____ Maidstone Borough Council

~~146~~.149. _____ Malden District Council

~~147~~.150. _____ Malvern Hills District Council

~~148~~.151. _____ Manchester City Council

~~149~~.152. _____ Mansfield District Council

~~150~~.153. _____ Medway Council

~~154~~. _____ Melton Borough Council

~~154~~.155. _____ Mendip District Council

~~152~~.156. _____ Merthyr Tydfil County Borough Council

~~157~~. _____ Mid Devon District Council

~~153~~.158. _____ Mid Suffolk District Council

~~154~~.159. _____ Mid Sussex District Council

~~155~~.160. _____ Middlesbrough Council

~~156~~.161. _____ Milton Keynes City Council

~~162~~. _____ Mole Valley District Council

~~157~~.163. _____ Monmouthshire County Council

~~158~~.164. _____ Neath Port Talbot County Borough Council

~~159~~.165. _____ New Forest District Council

~~160~~.166. _____ Newark and Sherwood District Council

~~164~~.167. _____ Newcastle City Council

~~168~~. _____ Newcastle-under-Lyme Borough Council

~~162~~.169. _____ Newport City Council

~~163~~.170. _____ Norfolk County Council

~~164~~.171. _____ North Devon District Council

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- ~~165.~~ ~~North Dorset District Council~~
- ~~166.~~~~172.~~ North East Derbyshire District Council
- ~~167.~~~~173.~~ North East Lincolnshire Council
- ~~168.~~~~174.~~ North Hertfordshire District Council
- ~~169.~~~~175.~~ North Kesteven District Council
- ~~170.~~~~176.~~ North Lincolnshire Council
- ~~177.~~ North Norfolk District Council
- ~~178.~~ North Northamptonshire Council
- ~~171.~~~~179.~~ North Somerset Council
- ~~172.~~~~180.~~ North Tyneside Council
- ~~181.~~ North Warwickshire Borough Council
- ~~173.~~~~182.~~ North West Leicestershire District Council
- ~~174.~~~~183.~~ North Yorkshire County Council
- ~~175.~~ ~~Northampton Borough Council~~
- ~~176.~~ ~~Northamptonshire County Council~~
- ~~177.~~~~184.~~ Northumberland County Council
- ~~178.~~~~185.~~ Norwich City Council
- ~~179.~~~~186.~~ Nottingham City Council
- ~~180.~~~~187.~~ Nottinghamshire County Council
- ~~181.~~~~188.~~ Nuneaton and Bedworth Borough Council
- ~~182.~~~~189.~~ Oadby and Wigston Borough Council
- ~~183.~~~~190.~~ Oldham Metropolitan Borough Council
- ~~184.~~~~191.~~ Oxfordshire County Council
- ~~185.~~~~192.~~ Pembrokeshire County Council
- ~~186.~~~~193.~~ Pendle Borough Council
- ~~187.~~~~194.~~ Peterborough City Council
- ~~188.~~~~195.~~ Plymouth City Council
- ~~189.~~~~196.~~ Portsmouth City Council
- ~~190.~~~~197.~~ Powys County Council
- ~~191.~~~~198.~~ Preston City Council
- ~~192.~~ ~~Purbeck District Council~~
- ~~193.~~~~199.~~ Reading Borough Council

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- 494-200. Redcar and Cleveland Borough Council
- 495-201. Redditch Borough Council
- 496-202. Reigate and Banstead Borough Council
- 497-203. Rhondda Cynon Taf County Borough Council
- 204. Ribble Valley Borough Council
- 498-205. Richmondshire District Council
- 499-206. Rochdale Metropolitan Borough CouncilBC
- 200-207. Rochford District Council
- 208. Rossendale Borough Council
- 201-209. Rother District Council
- 202-210. Rotherham Metropolitan Borough Council
- 203-211. Royal Borough of Windsor and Maidenhead
- 204-212. Rugby Borough Council
- 205-213. Runnymede Borough Council
- 206-214. Rushcliffe Borough Council
- 207-215. Rushmoor Borough Council
- 216. Rutland County Council
- 208-217. Ryedale District Council
- 209-218. Salford City Council
- 210-219. Sandwell Metropolitan Borough CouncilBC
- 220. Scarborough Borough Council
- 211-221. Secretary of StateSedgemoor District Council
- 212-222. Sefton Metropolitan Borough Council
- 213-223. Selby District Council
- 214-224. Sevenoaks District Council
- 215-225. Sheffield City Council
- 216. ~~Shepway District Council~~
- 217-226. Shropshire Council
- 218-227. Slough Borough Council
- 219-228. Solihull Metropolitan Borough Council
- 229. Somerset County Council
- 220-230. Somerset West and Taunton District Council

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- ~~221.~~ ~~Mendip District Council~~
- ~~222.~~ ~~Sedgemoor District Council~~
- ~~223-231.~~ ~~South Derbyshire District Council~~
- ~~224-232.~~ ~~South Gloucestershire Council~~
- ~~225-233.~~ ~~South Hams District Council~~
- ~~226-234.~~ ~~South Holland District Council~~
- ~~227-235.~~ ~~South Kesteven District Council~~
- ~~228-236.~~ ~~South Lakeland District Council~~
- ~~237.~~ ~~South Norfolk District Council~~
- ~~238.~~ ~~South Oxfordshire District Council~~
- ~~239.~~ ~~South Ribble Borough Council~~
- ~~229.~~
- ~~240.~~ ~~South Somerset District Council~~
- ~~230.~~
- ~~231-241.~~ ~~South Staffordshire District Council~~
- ~~232.~~ ~~South Ribble Borough Council~~
- ~~233-242.~~ ~~South Tyneside Metropolitan Borough Council~~
- ~~234-243.~~ ~~Southampton City Council~~
- ~~235-244.~~ ~~Southend-on-Sea Borough Council~~
- ~~236-245.~~ ~~Spelthorne Borough Council~~
- ~~246.~~ ~~St Albans City and District Council~~
- ~~237-247.~~ ~~St Helens Borough Council~~
- ~~238-248.~~ ~~Stafford Borough Council~~
- ~~239-249.~~ ~~Staffordshire County Council~~
- ~~240-250.~~ ~~Staffordshire Moorlands District Council~~
- ~~241-251.~~ ~~Stevenage Borough Council~~
- ~~242-252.~~ ~~Stockport Metropolitan Borough Council~~BC
- ~~243-253.~~ ~~Stockton on Tees Borough Council~~
- ~~244-254.~~ ~~Stoke-on-Trent City Council~~
- ~~245-255.~~ ~~Stratford-upon-Avon District Council~~
- ~~246-256.~~ ~~Stroud District Council~~
- ~~247.~~ ~~St Helens Borough Council~~
- ~~248-257.~~ ~~Suffolk County Council~~
- ~~249-258.~~ ~~Sunderland City Council~~

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- ~~250-259.~~ Surrey County Council
- ~~254-260.~~ Surrey Heath Borough Council
- ~~252-261.~~ Swale Borough Council
- ~~253-262.~~ Swansea City and County
- ~~263.~~ Swindon Borough Council
- ~~254-264.~~ Tameside Metropolitan Borough Council
- ~~255-265.~~ Tamworth Borough Council
- ~~256.~~ Tameside Metropolitan Borough Council
- ~~257-266.~~ Tandridge District Council
- ~~258.~~ Taunton Deane Borough Council
- ~~259-267.~~ Teignbridge District Council
- ~~268.~~ Telford and Wrekin Council
- ~~260-269.~~ Tendring District Council
- ~~264-270.~~ Test Valley Borough Council
- ~~262-271.~~ Tewkesbury Borough Council
- ~~263-272.~~ Thanet District Council
- ~~264-273.~~ Three Rivers District Council
- ~~265-274.~~ Thurrock Borough Council
- ~~266-275.~~ Tonbridge & Malling Borough Council
- ~~276.~~ Torbay Council
- ~~267-277.~~ Torfean County Borough Council
- ~~268-278.~~ Torrington District Council
- ~~269-279.~~ Trafford Metropolitan Borough Council
- ~~270-280.~~ Tunbridge Wells Borough Council
- ~~271-281.~~ Uttlesford District Council
- ~~282.~~ Vale of Glamorgan Council
- ~~283.~~ Vale of Whitehorse District Council
- ~~272-284.~~ Wakefield Council
- ~~273-285.~~ Walsall Metropolitan Borough Council
- ~~274-286.~~ Wareham Town Council
- ~~275-287.~~ Warrington Borough Council
- ~~276-288.~~ Warwick District Council

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~~277-289.~~ Warwickshire County Council

~~278-290.~~ Watford Borough Council

~~279-291.~~ Waverley Borough Council

~~280-292.~~ Welwyn Hatfield Council

~~281-293.~~ West Berkshire Council

~~282-294.~~ West Devon Borough Council

~~283.~~ ~~West Dorset District Council~~

~~284.1.~~ ~~West Oxfordshire Council~~

~~285-295.~~ West Lancashire ~~Borough~~District Council

~~296.~~ West Lindsey District ~~Ce~~council

~~297.~~ ~~West Northamptonshire Council~~

~~298.~~ ~~West Oxfordshire Council~~

~~286.~~

~~287.~~ ~~West Somerset Council~~

~~299.~~ ~~West Suffolk Council~~

~~300.~~ West Sussex County Council

~~288.~~

~~289.~~ ~~Weymouth and Portland Borough Council~~

~~290-301.~~ Wigan ~~Metropolitan Borough Council~~SC

~~291-302.~~ Wiltshire Council

~~292-303.~~ Winchester City Council

~~293-304.~~ Wirral Metropolitan Borough Council

~~305.~~ Woking Borough Council

~~294-306.~~ ~~Wokingham Borough Council~~

~~295-307.~~ Wolverhampton City Council

~~296-308.~~ Worcester City Council

~~297-309.~~ Worcestershire County Council

~~298-310.~~ Worthing Borough Council

~~299-311.~~ Wrexham County Borough Council

~~300.~~ ~~Wycombe District Council~~

~~304-312.~~ Wychavon District Council

~~302-313.~~ Wyre Borough Council

~~314.~~ Wyre Forest District Council

~~303-315.~~ ~~York (City of) Council~~

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[Schedule 1A](#)

[Participating Authorities
\(Bus Lane
Contraventions\)](#)

The Participating Authorities listed below are enforcement authorities in relation to bus lane contraventions. The list below consists of the current Participating Authorities. New participating authorities will be incorporated by reference and the list updated when next this deed is revised.

1. Bath and North East Somerset Council

2. Bedford Borough Council

3. Birmingham City Council

4. Blackburn with Darwen Borough Council

5. Blackpool Council

6. Bournemouth, Christchurch and Poole Borough Council

7. Bradford (City of) Metropolitan District Council

8. Brighton & Hove City Council

9. Bristol City Council

10. Bury Metropolitan Borough Council

11. Cambridgeshire County Council

12. Cardiff City Council

13. Central Bedfordshire Council

14. Cheshire East Council

15. Cheshire West and Chester Council

16. Coventry City Council

17. Derby City Council

18. Doncaster Metropolitan Borough Council

19. Durham County Council

20. Essex County Council

21. Gateshead Council

22. Gloucestershire County Council

23. Hampshire County Council

24. Hertfordshire County Council

- [25. Hull City Council](#)
- [26. Kent County Council \(Tunbridge Wells Borough Council\)](#)
- [27. Kirklees Metropolitan Council](#)
- [28. Lancashire County Council](#)
- [29. Leeds City Council](#)
- [30. Leicester City Council](#)
- [31. Liverpool City Council](#)
- [32. Luton Borough Council](#)
- [33. Manchester City Council](#)
- [34. Medway Council](#)
- [35. Middlesbrough Council](#)
- [36. Newcastle City Council](#)
- [37. North Northamptonshire Council](#)
- [38. North Somerset Council](#)
- [39. North Tyneside Council](#)
- [40. Northumberland County Council](#)
- [41. Norwich City Council](#)
- [42. Northampton City Council](#)
- [43. Nottinghamshire County Council](#)
- [44. Oldham Metropolitan Borough Council](#)
- [45. Oxfordshire County Council](#)
- [46. Plymouth City Council](#)
- [47. Portsmouth City Council](#)
- [48. Reading Borough Council](#)
- [49. Salford City Council](#)
- [50. Sandwell Metropolitan Borough Council](#)
- [51. Sheffield City Council](#)
- [52. Shropshire County Council](#)
- [53. Slough Borough Council](#)
- [54. Solihull Metropolitan Borough Council](#)
- [55. Somerset County Council](#)

56. [South Gloucestershire Council](#)
57. [Southampton City Council](#)
58. [Staffordshire County Council](#)
59. [Stockport Metropolitan Borough Council](#)
60. [Stockton on Tees Borough Council](#)
61. [Stoke-on-Trent \(City of\) Council](#)
62. [Surrey County Council \(Woking Borough Council\)](#)
63. [Swindon Borough Council](#)
64. [Tameside Metropolitan Borough Council](#)
65. [Walsall Metropolitan Borough Council](#)
66. [Warrington Borough Council](#)
67. [Watford Borough Council](#)
68. [West Berkshire District Council](#)
69. [West Northamptonshire Council](#)
70. [West Sussex County Council](#)
71. [Wiltshire Council](#)
72. [Wolverhampton City Council](#)
73. [Woking Borough Council](#)
74. [Worcestershire County Council](#)
75. [York \(City of\) Council](#)

Schedule 2

Composition of membership of the PATROLAJC

1. The PATROLAJC shall comprise one ~~Representative~~Representing Councillorve from each of the Participating Authorities appointed from time to time by the relevant Participating Authority in accordance with law and the appointing Participating Authority's constitutional arrangements.
2. Each Participating Authority shall as soon as practicable after joining the arrangements established pursuant to this deed notify the Lead Officer of the identity of the ~~Representative~~Representing Councillorve appointed by it to be its Representative of the PATROLAJC and the identity of any substitute ~~representative~~Representing Councillorve.
3. The appointment of a ~~Representative~~Representing Councillorve may be terminated at any time by the appointing Participating Authority by providing written notice of the termination to the PATROLAJC.
4. The term of office of a ~~Representative~~Representing Councillorve shall be from the date of the first meeting of the PATROLAJC held after the notification by the appointing Participating Authority of the appointment of the ~~Representative~~Representing Councillorve until the earlier of:
 - 4.1 termination of the appointment of the ~~Representative~~Representing Councillorve by the appointing Participating Authority; or
 - 4.2 the ~~Representing Councillor~~Representative ceasing to be a member of the Participating Authority or ceasing to be entitled to be a ~~Representing Councillor~~Representative of the appointing Participating Authority on a joint committee under the constitutional arrangements applicable to the appointing Participating Authority.
5. On termination of the appointment of a ~~Representative~~Representing Councillor the appointing Participating Authority shall as soon as practicable notify the Lead Officer of termination of the appointment and of the identity of the replacement ~~Representative~~Representing Councillor appointed by it and the provisions of this **Schedule 2** shall apply to the replacement ~~Representative~~Representing Councillor.

**Schedule
3**

Functions of the PATROLAJC

The functions of the PATROLAJC shall be:

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

Schedule 4
Standing Orders

THE PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION
JOINT COMMITTEE'S STANDING ORDERS

2014-15/2022/2023

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1. Chair, Vice-Chair and Assistant Vice- Chair

The PATROLAJC at its first meeting and subsequently on an annual basis shall (a) elect from one of its representatives a Chair and Vice-Chair and Assistant Vice- Chair and (b) appoint Auditors.

2. Duration of Appointments

(i) Each representative on the PATROLAJC shall hold office from the date of the first meeting of the PATROLAJC following his appointment to the date of the next annual meeting of the PATROLAJC or until his appointment is terminated by the appointing Participating Authority which may be done at any time or until he ceases to be entitled to be a representative of that Participating Authority on a Joint Committee under the constitutional arrangements applicable to that appointing Participating Authority.

(ii) The Chair, Vice-Chair and Assistant Vice-Chair shall hold office until the following Annual meeting but such office shall be deemed to be vacated if the appointment as a representative on the Joint Committee is terminated by their Participating Authority or if they cease to be entitled to be a representative on a Joint Committee under the constitutional arrangements applicable to that appointing Authority.

3. Servicing and Advice

(i) It shall be the responsibility of the Lead Officer to convene all meetings of the **PATROLAJC;**

(ii) An Advisory Board may be appointed by the PATROLAJC comprising the Lead Officer, such other officers of the Participating Authorities and other persons appointed by the PATROLAJC and a representative nominated by the Department for Transport (OFT) as set out in the MOU between the Joint Committee and the Secretary of State. The Advisory Board shall be entitled to depute one or more of their number to attend and advise at meetings of the PATROLAJC.

4. Meetings and Agenda

- (i) A meeting of the PATROLAJC may be called at such date, time and place:
- a) at the instance of the Chair; or
 - b) as may be determined by the PATROLAJC; or
 - c) by a requisition, signed by not less than one half of the representatives of the PATROLAJC delivered to the Lead Officer at least ten working days before the date of the meeting.
 - d) At the instance of the Lead Officer

Provided that the PATROLAJC shall meet at least once every year (the Annual Meeting).

The summons to any meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

- (ii) At every meeting of the PATROLAJC the Chair, if present, shall preside. If the Chair is absent the Vice-Chair, if present, shall preside. If both the Chair and Vice Chair are absent the Assistant Vice-Chair shall preside. If the Chair, Vice Chair and Assistant Vice-Chair are all absent the meeting shall elect a Chair from one of its representatives.

For the purposes of these Standing Orders references to the Chair, in the context of the conduct of business at meetings, shall mean the person presiding under the Standing Orders.

- (iii) Any Participating Authority acting through its representative on the Joint Committee or through an Advisory Board Representative may give written notice of an item within the remit of PATROL to be placed on the Agenda of the PATROLAJC. All notices of items for agendas must be received by the Lead Officer not less than fifteen working days prior to the meeting to which the agenda relates.

- (iv) Each of the Participating Authorities and every Advisory Board representative shall be entitled to have access to an electronic copy of the Agenda, papers and minutes of the proceedings of the PATROLAJC.

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(v) The Lead Officer shall not less than seven clear days before the intended meeting of the PATROLAJC -

(a) Circulate a notice thereof to each Participating Authority representative on the PATROLAJC and to the nominated officer of each Participating Authority, accompanied by a notice of the business to be transacted. Provided that the failure of any such notice to be delivered shall not affect the validity of the meeting or of the business transacted thereat

(b) Publish notice thereof ~~on PATROL's website 7days prior to the meeting taking place in the London Gazette or such other daily national publication as may be specified by the Lead Officer. Provided always if not published in the London Gazette the Lead Officer shall give 14 days notice in writing to the Participating Authorities of the name of newspapers in which the notice of meetings is to be published.~~

(vi) ~~Deputations-Substitutes shall be entitled~~, upon prior notification being given to the Lead Officer and at the discretion of the Chair, to attend and address the meeting for not more than ten minutes and to answer questions from representatives on the PATROLAJC for a further ten minutes.

(vii) ~~A representative of the OFT may attend the meetings of the PATROLAJC and may participate fully on all items of business but not vote.~~

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4A. Cancellation of Meetings

The Lead Officer may cancel or postpone any meeting in consultation with the Chair or Vice Chair or Assistant Vice Chair prior to the issue of the agenda or subsequently if there is no business to be transacted, or in other exceptional circumstances.

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5. Substitute Members

If a representative of the PATROLAJC is unable to be present at a meeting of the PATROLAJC, that Participating Authority may be represented by a substitute duly appointed by that Participating Authority for the purpose in accordance with their own constitutional arrangements and whose name has been duly notified in writing or verbally to the Lead Officer of the PATROLAJC by the nominated Officer or Councillor of the

Participating Authority concerned ~~at least 24 hours~~ prior to the Committee meeting. A substitute attending a meeting of the PATROLAJC shall declare and vote as the Participating Authority representative on the PATROLAJC. No substitute representative may attend any meeting at which the representative for which he/she is substitute is present.

6. Attendance Record

At every meeting each representative attending shall record such presence on the attendance sheet or other form of record provided by the Lead Officer.

7. Order of Business

- (i) The order of business at every meeting shall be:
 - (a) to approve as a correct record the minutes of the last meeting;
 - (b) to dispose of business (if any) remaining from the last meeting;
 - (c) to receive and consider reports prepared for the PATROLAJC
- (ii) The Chair shall have discretion to alter the order in which business is taken at the meeting.

8. Minutes

- (i) Minutes of every meeting of the PATROLAJC or any Subcommittee shall be submitted to and signed at the next following meeting of the body concerned.
- (ii) The Chair shall put the question that the minutes submitted be approved as a correct record of the meeting in question.
- (iii) No other motion or discussion shall take place upon the Minutes except upon their accuracy. If no such question is raised or if it is raised, then as soon as it has been disposed of, the Chair shall sign the Minutes.

9. Sub-Committees

- (i) The PATROLAJC shall be entitled to appoint such Sub-committees as it thinks fit.

10. Voting

- (i) Each representative (or if absent the named substitute) shall be entitled to one vote on each question to be decided. Subject to paragraph 10 (iii), every question shall be determined by a show of hands and shall be determined by a simple majority.
- (ii) In the case of an equality of votes, the Chair shall have a second or casting vote.
- (iii) On the requisition of any representative, provided it is supported by at least two others, made before any vote is taken on a motion or an amendment, the voting shall

be recorded so as to show how each representative present and voting voted. The name of any representative present and not voting shall also be recorded.

11. Quorum

- (i) The quorum of the PATROLAJC meeting in person shall be a minimum number of 8 ~~one twentieth of the number~~ of the Participating Authority representatives ~~but in any event not less than three~~, and the quorum of a Sub-committee meeting in person shall be a minimum number of 8 ~~be one quarter of the number of members of the Sub-Committee but in any event not less than three~~
- (ii) For the avoidance of doubt non-attendance of the representative appointed by the DFT shall not render the meeting inquorate nor shall he be counted in deciding whether a quorum has been established.
- (iii) No business can be transacted at any meeting unless a quorum is present. Any matters of urgency will be considered under Standing Order 16.

12. Rules of Debate

- (i) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (ii) A representative shall address the Chair and direct any speech to the question under discussion. If two or more representatives indicate they wish to speak the Chair shall call on one to speak first.
- (iii) An amendment shall be:
 - (a) to leave out words
 - (b) to leave out words and insert or add others
 - (c) to insert or add wordsbut any such amendment must not have the effect of introducing a new proposal into or of negating the original motion
- (iv) A representative shall not speak for longer than 5 minutes on any matter without the **consent of the PATROLAJC**.
- (v) No representative shall address the PATROLAJC more than once on any issue, but the mover of an original motion may reply, in which reply no new matter shall be introduced, but the reply shall be confined strictly to answering the previous observations.
- (vi) A representative may claim to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged

breach of a specified statutory provision or a specified standing order and the way in which the representative raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by them in the current debate, which may appear to have been misunderstood. The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

- (vii) If an amendment is rejected other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any other amendment may be moved.
- (viii) A further amendment shall not be moved until the PATROLAJC has disposed of every amendment previously moved, provided that the Chair shall have discretion to allow debate to take place on two or more amendments.
- (ix) A representative at the conclusion of a speech of another representative may move without comment:-
 - (a) that the question be now put
 - (b) that the debate be now adjourned
 - (c) that the PATROLAJC proceed to the next business
 - (d) that the PATROLAJC do now adjourn

If such a motion is seconded, the Chair, shall, subject to the mover's right to reply, put the motion to the vote, and if it is carried: -

In case (a) - the motion then before the meeting shall, subject to The right of reply, be put to the vote; or

In case (b) - the debate on the motion then before the PATROLAJC shall stand deferred until the next meeting of the PATROLAJC unless requested to be dealt with as an urgent matter; or

In case (c) - the motion then before the PATROLAJC shall be regarded as lost and the PATROLAJC shall proceed to the next item on the Agenda, if any; or In case (d) - the meeting shall stand adjourned.

- (x) If the Chair is of the opinion that the matter before the PATROLAJC has been sufficiently discussed they may put the motion that the question now be put.

- (xi) The Chair shall decide all questions of order and any ruling by the Chair upon such questions and the interpretations of these Standing Orders, and upon matters arising in debate shall be final and shall not be open to discussion.

13. Admission of Public to Meetings

All meetings of the PATROLAJC shall be open to the public (including the Press) except to the extent that they are excluded whether during the whole or part of the proceedings either:-

- (i) In accordance with Section 100A(2) of the Local Government Act 1972; or
- (ii) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings that if members of the public were present there would be disclosure to them of exempt information as defined in Section 1001 of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

Exempt information means information falling with the following categories (subject to any condition):

Category

Condition

- | | |
|---|--|
| 1. Information relating to any individual. | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| 2. Information which is likely to reveal the identity of an individual. | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). | Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| "financial or business affairs" includes contemplated, as well as past or current, activities | Information within paragraph 3 is not exempt if it must be registered under:
(a) the Companies Act 1985;
(b) the Friendly Societies Act 1974; |

- (c) the Friendly Societies Act 1992;
- (d) the Industrial and Provident Societies Acts 1965 to 1978;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 1993.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour matter arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority.

"labour relations matter" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Information which reveals that the authority proposes:

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14. Disorderly Conduct

- (i) If the Chair is of the opinion that a representative has misconducted, or is misconducting himself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the PATROLAJC they may notify the meeting of that opinion and may take any of the following action either separately or in sequence:-
 - (a) they may direct the representative to refrain from speaking during all, or part of the remainder of the meeting

- (b) they may direct the representative to withdraw from all or part of the remainder of the meeting
- (c) they may order the representative to be removed from the meeting
- (d) they may adjourn the meeting for such period as shall seem expedient to him

(ii) In the event of general disturbance which, in the opinion of the Chair, renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power invested in the Chair, may without question, adjourn the meeting for such periods as in the Chair's discretion shall be considered expedient.

15. Disturbance by Members of the Public

If any member of the public interrupts the proceedings at a meeting of the PATROLAJC, the Chair may warn that person to stop. If the person continues the interruption, the Chair may order that person's removal from the meeting. In the event of general disturbance in the part of the room provided for the public, the Chair may order that part to be cleared.

16. Urgent Business

(i) If at any time the Lead Officer considers any matter is urgent and should be decided upon prior to the next meeting of the PATROLAJC then he/she shall consult the PATROLAJC's Chair. If the Chair or in the absence of the Chair, the Vice Chair or Assistant Vice Chair agrees the matter is urgent, then the Lead Officer shall be empowered to make the decision in accordance with such recommendation, subject to the decision being recorded in writing and signed by the Lead Officer to the PATROLAJC.

(ii) All decisions taken under this Standing Order shall be reported to the next meeting of the PATROLAJC.

17. Rescission of Preceding Resolution

No motion to rescind any resolution passed at the meeting and no motion or amendment to the same effect shall be proposed at that meeting.

18. Delegation of Functions

The PATROLAJC may delegate to officers such of their functions as are permissible under statute and may, in relation to any of those functions, require that the exercise of those functions be subject to such conditions as the PATROLAJC deems fit to impose.

19. Variations and Revocation of Standing Orders

Any motion to vary or revoke these Standing Orders shall require confirmation at the next ordinary meeting of the PATROLAJC before the proposed variation or revocation shall be considered to be effective provided that nothing in this Standing Order shall operate to prevent the PATROLAJC adopting new Standing Orders at its annual meeting.

20. Interests of Participating Authority representatives in Contracts and Other Matters

If any Participating Authority adopts a Code of Conduct pursuant to the provisions Part 1 - Local Government - Chapter 7 - Standards of the Localism Act 2011 then that Code shall apply with respect to the representative of that Participating Authority save in so far as it is incompatible with the following provisions which shall apply to all representatives irrespective of any other code of conduct that they may be subject to: -

- (i) Where any Participating Authority representative has given a general notice of a pecuniary interest of his or of his spouse they shall nevertheless orally declare it at any meeting where the matter is discussed. Any such reminder shall be recorded in the minutes of the meeting.
- (ii) Where any Participating Authority representative has declared a pecuniary interest in a contract, grant, proposed contract or other matter by making an oral declaration at a meeting, they shall withdraw from the room in which the meeting is being held while the matter is under consideration unless:
 - (a) the disability to discuss, or vote upon any matter arising from the contract or other matter has been removed under Chapter 7 Section 33 of the Localism Act 2011; or
 - (b) the contract, grant, proposed contract or other matter is under consideration by the meeting as part of the report or minutes of a subcommittee (in the case of a meeting of the PATROLAJC) and is not itself the subject of debate.
- (iii) Any person, other than an officer of the PATROLAJC, who is appointed to do anything in connection with the PATROLAJC or subcommittee which enables him to speak at

meetings of the PATROLAJC or subcommittee shall make the same disclosures of pecuniary interests, and shall withdraw from the room in which the meeting is being held on the same occasions, as he/she would have to do if he were a representative of the PATROLAJC or subcommittee.

21. Interests of Officers in Contracts and Other Matters

- (i) In addition to their duty under Section 117 of the Local Government Act 1972 if it comes to the knowledge of any officer that they have a pecuniary interest either direct or indirect (not being a contract to which he is himself a party) in any contract which has been or is proposed to be, entered into by the PATROLAJC, or in some other matters which is to be considered by PATROLAJC or one of its subcommittees, they shall as soon as practicable, give notice in writing to the Lead Officer of the fact that they are interested therein.
- (ii) For the purpose of this standing order, a disclosable pecuniary interest is an interest that, if the officer were a representative of the PATROLAJC and if the contract or other matter were to be considered at a meeting of the PATROLAJC at which he/she were present, he would have to disclose it under Chapter 7 Section 31 of the Localism Act 2011.
- (iii) The Lead Officer shall record in a book to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer under Section 117 of the Local Government Act 1972 or paragraph (i). The book shall, during the ordinary office hours of the Lead Authority be open for inspection by any representative of the PATROLAJC.
- (iv) Where an officer submits a report to a meeting on a matter in which they have declared an interest under Section 117 of the Local Government Act 1972 or paragraph (i) they shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- (v) Where any officer advises orally a meeting of the PATROLAJC or a subcommittee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of Section 117 of the Local

Government Act 1972, or of paragraph (i) they shall remind the meeting orally of that interest.

22. Access to Documents, Information and Land

- (i) In addition to the rights of representatives of the PATROLAJC under Section 100F of the Local Government Act 1972, but subject to paragraph (ii) below, any member of the Participating Authorities shall be entitled on application to the Lead Officer to inspect any document or recorded information in the possession, or under the control, of the PATROLAJC access to which is necessary for the proper discharge of their functions as a member of that Participating Authority;
Provided that: -
 - (a) no person shall be entitled to inspect any document or have access to any information relating to a matter in which they have a pecuniary interest;
 - (b) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the PATROLAJC.
- (ii) In the case of any document other than a document to which the rights under Section 100F of the Local Government Act 1972 apply, and if the Lead Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Participating Authority or as a representative of the PATROLAJC, as the case may be) of the person requesting such access, and there is good reason why access should be refused, they may refuse the person concerned access to the document or information in question.
- (iii) Where a person inspects a document under the rights conferred by Section 100F of the Local Government Act 1972 or this standing order, and the PATROLAJC may lawfully make a copy of that document, they shall be entitled, on request, to be given a copy of that document provided that:
 - (a) a reasonable charge shall be made for the copy unless the Lead Officer otherwise directs;
 - (b) a copy may be refused if the Lead Officer considers that it is impracticable to make a copy.

- (iv) If a representative on the PATROLAJC or an elected member or officer of the Participating Authorities wishes to have access to land or buildings in the occupation of the PATROLAJC to which the public do not have access and to which such representative, member or officer does not regularly have access, he shall apply to the Lead Officer. Unless the Lead Officer considers that there are good reasons why such access should not be given, they shall give permission but may attach conditions to that permission including particularly a condition that a specified officer of the PATROLAJC shall accompany the representative, member or officer.
- (v) If any member of the Participating Authorities or any other representative of the PATROLAJC is dissatisfied with any determination of the Lead Officer under Section 100F of the Local Government Act 1972 or under this standing order, he/she may refer the question to the PATROLAJC which shall, after considering any representations that person or the Lead Officer may wish to make, determine whether or not to uphold the Lead Officer's determination.
- (vi) No elected members or officer of the Participating Authorities and no representative of the PATROLAJC shall have any claim by virtue of his position:
 - (a) to enter any land or buildings occupied by the PATROLAJC to which the public do not have access or to which such members, officer or representative do not regularly have access except with the permission of the Lead Officer;
 - (b) to exercise any power of the PATROLAJC to enter or inspect other land or buildings, except where specifically authorised to do so by the PATROLAJC ;
 - (c) to exercise any other power of the PATROLAJC;
 - (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the PATROLAJC, or with respect to any goods or services which are being, or might be, purchased by the PATROLAJC
- (vii) The Proper Officer for the Purpose of Section 100F(2) of the Local Government Act 1972 and for the purposes of this standing order is the Lead Officer.

(viii) For the purposes of this standing order a person has a pecuniary interest in a matter if, on the assumptions that he/she were a representative on the PATROLAJC, and that the matter were to be considered by the PATROLAJC, he would have to declare the interest under Section 94 of the Local Government Act 1972.

(ix) Where any information is given to any person (including a member of the Participating Authorities, or any representative of the PATROLAJC) by the PATROLAJC or by one of the employees of the Lead Authority in the course of transacting any business of the PATROLAJC, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the PATROLAJC.

23. Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended at any meeting so far as regards any business on the Agenda for such a meeting, providing that the majority of the representatives present and voting so decide.

24. Interpretation and Definitions

In these Standing Orders the following terms shall have the following meanings assigned to them:-

"Local Authority" means a local authority which is an enforcement authority for the purpose of Part 6 of the Traffic Management Act 2004 in relation to road traffic contraventions (of any description) or performing the functions of such an enforcement authority.

"The Agreement" means an agreement for Parking and Traffic Regulations Outside London Adjudication Joint Committee made between The Council of the City of Manchester, Hampshire County Council, Oxfordshire County Council and Denbighshire County Council dated 1 May 2008, or its successor Agreement that is due to be completed in 2014.

"Participating Authority" means any Local Authority then party to the joint arrangements contained in the Agreement.

"Lead Authority" means such Participating Authority appointed as such pursuant to the Agreement.

"Lead Officer" means the Chief Executive of the Council of Cheshire East Council or such other officer of the Lead Authority nominated by them.

"The Advisory Board" means the Board comprising the Lead Officer and other officers and other persons appointed by the PATROLAJC and may include sitting in an ex-officio capacity an official nominated by the PATROLAJC and may include sitting in an ex-officio capacity an official nominated by the DFT.

Schedule 5

Financial Regulations

PATROL ADJUDICATION JOINT

COMMITTEE FINANCIAL REGULATIONS

2022/2023-2014/2015

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1. General

- 1.1 These Regulations should be read in conjunction with the Joint Committee's Financial Standing Orders and Rules of Financial Management contained within the Joint Committee's Agreement, the Scheme of Delegation to the Director and the Scheme of Financial Delegation to officers.
- 1.2 Where the Joint Committee has established a sub committee whose terms of reference include delegated financial functions, or where there is a specific delegation to such a sub committee, the reference to Joint Committee within the Regulations will include the sub committee.
- 1.3 These Regulations lay down for the guidance of members and officers, principles to be followed in securing the proper administration of the Joint Committee's financial affairs and shall be reviewed by the Joint Committee on an annual basis.
- 1.4 The Director, as the officer responsible for the administration of the Joint Committee's affairs, shall report to the Joint Committee any significant failure to comply with these regulations which comes to his/her attention.
- 1.5 The Director shall be responsible for the accountability and control of all resources managed by him/her on behalf of the Joint Committee and will maintain a written record where decision making has been delegated to others.
- 1.6 The Director will ensure the organisational structure provides an appropriate segregation of duties to provide adequate internal controls to minimise fraud or malpractice.
- 1.7 The Director can allow exceptions to these Regulations if it is believed that the best interests of the Joint Committee would be served if the Regulations were not applied. A written record of these decisions must be kept and reported to the Joint Committee at the earliest opportunity.
- 1.8 Whenever any matter arises which may involve financial irregularity, the Director shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Director and after consultation with the Joint Committee's Treasurer (the Lead Authority's S151 Officer), be referred by them to the Joint Committee. The Director and the Joint Committee Treasurer will determine whether the matter should be referred to Internal Audit. Further in a case where the Director advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

2. Accounting Arrangements

- 2.1 The Statement of Responsibilities for the Statement of Accounts sets out the role of the Director and the Treasurer.
- 2.2 The Treasurer to the Joint Committee is the responsible Financial Officer for the purposes of the Annual Return.
- 2.3 The Director shall ensure that appropriate financial arrangements and procedures are in place on behalf of the Joint Committee in order that the Treasurer can be provided with the necessary accounting records.
- 2.4 The Director will make arrangements for the preparation and audit of annual accounts.

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

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

3. Banking Arrangements, Cheques and Purchase Cards

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

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

3.3 There is to be a clear segregation of responsibility between the preparation of payments and the authorisation of payments.

3.4 Purchase card limits will be as set out within the Scheme of Financial Delegation.

3.5 All Card Holders will sign a Credit Card Undertaking form. The Credit Card Undertaking form sets out agreed procedures including storage, authorised users and record keeping requirements.

3.6 Only the Finance & Central Services Manager will be permitted to withdraw cash against their card and this will be authorised in advance by the Director.

3.7 Bank reconciliation will be undertaken on a monthly basis (within 30 days) and signed by two members of staff in accordance with the Bank Reconciliation Procedure with one signature being that of the Finance & Central Services Manager.

4. Revenue and Capital Budgets

4.1 The Director, in consultation with appropriate Officers, shall prepare annual estimates of expenditure and income, including the proposals for the basis for defraying that expenditure through member authorities. The budget and the basis for defraying expenditure through member authorities must be approved by the Joint Committee by the end of January each year.

4.2 The Director will provide a copy of the Joint Committee's approved budget to the Treasurer.

4.3 The Director will monitor income and expenditure against the budget and will report to meetings of the Joint Committee showing budgeted, actual and where appropriate, projected expenditure. Monitoring will take place and be evidenced monthly.

4.4 The Director shall be authorised to approve transfers between expenditure heads up to a maximum of £25,000. These transfers will be reported to the Joint Committee at the next available meeting as part of the budget monitoring arrangements.

4.5 Where it is anticipated that total expenditure will exceed the approved budgeted expenditure by 2.5%, the Chair and Vice Chair of the Joint Committee should be notified by the Director at the earliest opportunity following consultation with the Chair of the Advisory Board.

5. Income

5.1 The collection of all money due to the Joint Committee shall be under the supervision of the Director.

5.2 All money received shall be without delay passed for payment to the Joint Committee's bank account.

5.3 The Director shall be furnished with information to ensure the prompt rendering of accounts for the collection of income.

5.4 Following year-end, where invoicing is based on estimates, the Director (delegated to the Central Services Manager) shall request a self-certification of penalty charge notices issued by authorities.

5.5 Any Debt unpaid after 90 days of issue will be provided for in the accounts as soon as it becomes 90 days old.

5.6 The Director shall report all bad debts to the Joint Committee for these to be provided for in accordance with the approved Bad Debt Policy. This report will include the cause of the bad debt and the recovering measures taken in accordance with the Debt Recovery Procedure.

5.7 Through regular budget monitoring reports, the Director will apprise the Joint Committee of variations in achieved income in order that the Joint Committee can take appropriate actions in a timely manner.

6. Borrowing and Investments

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

7. Orders and Contracts

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

7.2 In evaluating quotations or tenders, the aim will be to achieve the most economically advantageous outcome, taking into account quality, cost and delivery experience. Such decisions will be documented. Where the lowest price option is not chosen, the Director must approve prior to goods/services being commissioned.

7.3 Only budget holders and staff who have received training in accordance with the Scheme of Financial Delegation may order goods or services.

7.4 The Director will ensure that staff involved in procurement are aware of financial thresholds and the need for aggregation with single suppliers in respect of purchasing thresholds. Market testing on rolling contracts over £2,000 will be undertaken on a three-year cycle.

7.5 The Director is required to obtain approval from the Joint Committee in respect of the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract.

7.6 The Director has the authority to waive these rules (excluding those falling within the EU threshold) where the interests of the Joint Committee would be best served. Such circumstances would include where there is only one contractor that is able to provide goods and services or where the need for such goods and services was urgent and the above procedure would be detrimental to the Joint Committee. Forward planning and market testing will be deployed to ensure that cases of waiver are minimised. The Director shall maintain a record of such decisions and report to the Joint Committee at the earliest opportunity.

7.7 A Contracts Register will be kept of all ongoing contracts.

8. VAT

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

9. Reserves

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

10. Equipment

10.1 The Director will ensure that all staff are aware of their responsibility for the security and proper recording of equipment under their control including their personal responsibility with regard to the protection and confidentiality of information whether held in manual or computerised records in accordance with the Information Security Policy.

10.2 All equipment over £1,000 in value must be recorded in the Equipment Inventory in accordance with the Asset Management Policy.

10.3 All IT equipment and communications devices will be recorded in an IT register where the purchase value is greater than £100.

10.4 This will be physically verified annually by the Finance and Central Services Manager.

11. Insurance

11.1 The Director shall arrange such insurances as he/she considers necessary.

11.2 Officers shall give prompt notification to the Director of all new risk or any alterations which may affect existing insurances.

11.3 Officers shall inform the Director promptly in writing of any events which may involve the Joint Committee in a claim.

12. Risk

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

13. Internal Audit

13.1 The Joint Committee shall review the internal audit strategy.

13.2 The Director will arrange for the internal audit of accounts and internal assurance framework of the Joint Committee. Internal audit is currently undertaken by the Lead Authority's Internal Audit Department.

13.3 The Director will ensure that Internal Auditors have right of access to such records and explanations as they require to complete the work undertaken.

13.4 Audit Reports will be presented to the Joint Committee.

14. External Audit

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

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

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

14.4 Audit Reports will be presented to the Joint Committee.

15. Petty Cash

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

16. Expenses

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

17. Gifts and Hospitality Register

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

18. Declaration of Interest

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

19. Anti-fraud, anti-corruption and whistleblowing

19.1 Compliance with these financial regulations is supported by policies and procedures in respect of anti-fraud, anti-corruption and whistleblowing. Where staff has concerns in this respect, they should approach their Line Manager, the Director or if they wish to speak to someone external to the organisation, they can contact Public Concern at Work which operates a confidential helpline 02074046609. Further advice and guidance can also be found on their website www.pcaw.co.uk. The Director will ensure that staff are aware of the relevant internal and external contact points in these circumstances.

20. Document Retention

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

21. Review and approvals

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

4. General

1.1 These Regulations should be read in conjunction with the Joint Committee's Financial Standing Orders and Rules of Financial Management contained within the Joint Committee's Agreement and the Scheme of Delegation to the Head of Service.

1.2 Where the Joint Committee has established a sub-committee whose terms of reference include delegated financial functions, or where there is a specific delegation to such a sub-committee, the reference to Joint Committee within the Regulations will include the sub-committee.

1.3 These Regulations lay down for the guidance of members and officers, principles to be followed in securing the proper administration of the Joint Committee's financial affairs and shall be reviewed by the Joint Committee on an annual basis.

1.4 The Head of Service, as the officer responsible for the administration of the Joint Committee's affairs, shall report to the Joint Committee any significant failure to comply with these regulations which comes to his/her attention.

1.5 The Head of Service shall be responsible for the accountability and control of all resources managed by him/her on behalf of the Joint Committee and will maintain a written record where decision making has been delegated to others.

1.6 The Head of Service will ensure the organizational structure provides an appropriate segregation of duties to provide adequate internal controls to minimize fraud or malpractice.

~~1.7 — The Head of Service can allow exceptions to these Regulations if it is believed that the best interests of the Joint Committee would be served if the Regulations were not applied. A written record of these decisions must be kept and reported to the Joint Committee at the earliest opportunity.~~

~~1.8 — Whenever any matter arises which may involve financial irregularity, the Head of Service shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Head of Service, and after consultation with the Joint Committee's Treasurer (the Lead Authority's S151 Officer), be referred by them to the Joint Committee. The Head of Service and the Joint Committee Treasurer will determine whether the matter should be referred to Internal Audit. Further in a case where the Head of Service advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.~~

~~2. — Accounting Arrangements~~

~~2.1 — The Statement of Responsibilities for the Statement of Accounts sets out the role of the Head of Service and the Treasurer.~~

~~2.2 — The Treasurer to the Joint Committee is the responsible Financial Officer for the purposes of the Annual Return. The Head of Service shall ensure that appropriate financial arrangements and procedures are in place on behalf of the Joint Committee in order that the Treasurer can be provided with the necessary accounting records.~~

~~2.3 — The draft Annual Return must be approved by the Joint Committee at its June meeting.~~

~~2.4 — The Head of Service will publish and make available a final accounts/audit timetable to member authorities following the June meeting of the Joint Committee.~~

~~2.5 — The Head of Service, where applicable, shall be responsible for the submission of all claims for grant to Government Departments, or to the EU.~~

~~3. — Banking Arrangements, Cheques and Purchase Cards~~

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

~~3.2 — All cheques drawn on behalf of the Joint Committee shall be signed by the Head of Service and Finance Manager, except in their absence or in the case of personal expenses incurred by these post holders, in which circumstances, named signatories as approved by the Head of Service will provide signatures.~~

~~3.3 — Purchase cards can be used to a pre-set limit of £50,000 per month and £15,000 per single transaction and will be used in accordance with agreed procedures including storage, authorized users and record keeping requirements.~~

~~3.4 — Bank reconciliation will be undertaken on a monthly basis (within 30 days) and signed by two members of staff in accordance with the Bank Reconciliation Procedure with one signature being that of the Finance Manager.~~

~~3.5 — The Head of Service will sign a summary sheet to ensure that bank reconciliations are completed in accordance with the financial regulations.~~

~~4. — Revenue and Capital Budgets~~

~~4.1 — The Head of Service, in consultation with appropriate Officers, shall prepare annual estimates of expenditure and income, including the proposals for the basis for defraying that expenditure through member authorities. The budget and the basis for defraying expenditure through member authorities must be approved by the Joint Committee by the end of January each year.~~

~~4.2 — The Head of Service will provide a copy of the Joint Committee's approved budget to the Treasurer.~~

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- ~~4.3 — The Head of Service will monitor income and expenditure against the budget and will report to meetings of the Joint Committee showing budgeted, actual and where appropriate, projected expenditure.~~
- ~~4.4 — The Head of Service shall be authorized to approve transfers between expenditure heads up to a maximum of £25,000. These transfers will be reported to the Joint Committee at the next available meeting as part of the budget monitoring arrangements.~~
- ~~4.5 — Where it is anticipated that total expenditure will exceed the approved revenue budget by more than 2.5%, the Chair and Vice Chair of the Joint Committee should be notified by the Head of Service at the earliest opportunity following consultation with the Chair of the Advisory Board.~~

~~5. Income~~

- ~~5.1 The collection of all money due to the Joint Committee shall be under the supervision of the Head of Service.~~
- ~~5.2 All money received shall be without delay passed for payment to the Joint Committee's bank account.~~
- ~~5.3 The Head of Service shall be furnished with information to ensure the prompt rendering of accounts for the collection of income.~~
- ~~5.4 Following year-end, the Head of Service shall request a self-certification of penalty charge notices issued by member authorities.~~
- ~~5.5 The Head of Service shall report all bad debts to the Joint Committee for these to be written off. This report will include the cause of the bad debt and the recovering measures taken in accordance with the Debt Recovery Procedure.~~
- ~~5.6 Through regular budget monitoring reports, the Head of Service will apprise the Joint Committee of variations in achieved income in order that the Joint Committee can take appropriate actions in a timely manner.~~

~~6. Borrowing and Investments~~

- ~~6.1 The Joint Committee approves on an annual basis a Treasury Management Statement prepared with advice from the Treasurer. Where applicable, this will take into account any Joint Committee policies in relation to reserves.~~

~~7. Orders and Contracts~~

- ~~7.1 The Order Procedure includes the required procedures, record keeping and procurement thresholds. These procurement thresholds are set out below together with the responsibilities of the Head of Service and budget holders in procurement.~~

~~Up to £2,000, a written quotation submitted by the requisitioner and authorized by the Budget Holder.~~

~~Between £2,000 and £30,000 – three written quotations submitted by the Budget Holder.~~

~~£30,000 to EU threshold – formal tender process to at least three candidates authorised by the Head of Service.~~

~~EU threshold to £250,000 follow EU tender rules initiated by the Head of Service.~~

~~In evaluating quotations or tenders, the aim will be to achieve the most economically advantageous outcome, taking into account quality, cost and delivery experience. Such decisions will be documented. Where the lowest price option is not chosen, the Head of Service must approve prior to goods/services being commissioned.~~

~~Only budget holders and staff who have received training in the order procedure may order goods or services.~~

~~The Head of Service will ensure that staff involved in procurement are aware of financial thresholds and the need for aggregation with single suppliers in respect of purchasing thresholds. Market testing will be undertaken on a three year cycle.~~

The Head of Service is required to obtain approval from the Joint Committee in respect of the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract.

The Head of Service is required to obtain approval from the Joint Committee in respect of tenders of a sub-contractor or supplier for specialist work or material in excess of £100,000 for which a prime cost sum is included in the main contract sum for services, building and civil engineering works.

~~7.2 The Head of Service has the authority to waive these rules (excluding those falling within the EU threshold) where the interests of the Joint Committee would be best served. Such circumstances would include where there is only one contractor that is able to provide goods and services or where the need for such goods and services was urgent and the above procedure would be detrimental to the Joint Committee. Forward planning and market testing will be deployed to ensure that cases of waiver are minimised. The Head of Service shall maintain a record of such decisions and report to the Joint Committee at the earliest opportunity.~~

~~8. VAT~~

~~8.1 The Head of Service will make arrangements for VAT to be reclaimed from the Joint Committee's Lead Authority on a quarterly basis.~~

~~9. Reserves~~

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

~~10.0 Equipment~~

~~10.1 The Head of Service will ensure that all staff are aware of their responsibility for the security and proper recording of equipment under their control including their personal responsibility with regard to the protection and confidentiality of information whether held in manual or computerized records in accordance with the Information Security Policy. All equipment over £1,000 in value must be recorded in the Equipment Inventory in accordance with the Asset Management Policy. The Head of Service will all ensure that no Joint Committee equipment is subject to personal use by an employee without proper authorisation.~~

~~11.0 Insurance~~

~~11.1 The Head of Service shall in consultation with the Joint Committee's Treasurer, arrange such insurances as he/she considers necessary.~~

~~11.2 Officers shall give prompt notification to the Head of Service of all new risk or any alterations which may affect existing insurances.~~

~~11.3 Officers shall inform the Head of Service promptly in writing of any events which may involve the Joint Committee in a claim.~~

~~12. Risk~~

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

~~13. Internal Audit~~

~~13.1—The Joint Committee shall approve an annual plan.~~

~~13.2—The Head of Service will, in accordance with the above plan, arrange for the internal audit of accounts and internal assurance framework of the Joint Committee. Internal audit is currently undertaken by the Lead Authority's Internal Audit Department.~~

~~13.3—The Head of Service will ensure that Internal Auditors have right of access to such records and explanations as they require to complete the work undertaken.~~

~~13.4—Audit Reports will be presented to the Joint Committee.~~

14. — External Audit

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

~~14.2—The Head of Service will make such arrangements as are necessary to facilitate this audit.~~

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

~~14.4—Audit Reports will be presented to the Joint Committee.~~

15. — Petty Cash

~~15.1—The Head of Service shall make such arrangements as he/she considers necessary for defraying petty cash and other expenses by means of an imprest system in accordance with a procedure to be agreed with the Treasurer, should a petty cash imprest system be introduced.~~

16. — Expenses

~~16.1—The Head of Service shall ensure that expense claims are underpinned by guidelines approved by the Joint Committee's Advisory Board.~~

17. — Gifts and Hospitality Register

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

18. — Declaration of Interest

~~18.1—All staff with financial responsibilities will be required to complete a Declaration of Interest form on an annual basis at the end of each financial year. Members at each meeting will be provided with the opportunity to declare a pecuniary or non-pecuniary interest. The Head of Service will ensure that a register is held for the purposes of recording gifts and hospitality and that staff are made aware of its existence.~~

19. — Anti-fraud, anti-corruption and whistleblowing

~~19.1 Compliance with these financial regulations is supported by policies and procedures in respect of anti-fraud, anti-corruption and whistleblowing. Where staff have concerns in this respect, they should approach their Line Manager, the Head of Service or if they wish to speak to someone external to the organization, they can contact the Audit Commission Whistleblowing Hotline on 0845 052 2646. The Head of Service will ensure that staff are aware of whom they contact both within and external to the organisation in these circumstances.~~

20. Document Retention

20.1 All financial documents will be retained for a period of six years in addition to the current year in accordance with the Document Retention Policy.

21. Review

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

20. Financial Regulations – related documentation

- (i) Financial Standing Orders and Rules of Financial Management contained within the Joint Committee Agreement
- (ii) The Scheme of Delegation to the Head of Service
- (iii) Code of Corporate Governance
- (iv) Treasury Management Statement (where applicable)
- (v) Reserves Policy Statement (where applicable)
- (vi) Responsibilities of the Joint Committee are set out in the Joint Committee Agreement.
- (vii) Terms of reference for the Executive Sub Committee (where applicable)
- (viii) Terms of reference for the Advisory Board
- (ix) Financial Regulations – Operational Procedures Manual containing all policies, procedures and guidelines to staff referenced within these Regulations.

22. Review and approvals

21 September 2010
28 September 2011
26 June 2012
25 June 2013

Schedule 6

Terms of appointment of the Lead Authority

1. The PATROLAJC agrees that the Lead Authority shall provide to the PATROLAJC such goods and services as the PATROLAJC may from time to time determine.
2. Without prejudice to the generality of **paragraph 1** of this **Schedule 6**, the Lead Authority shall provide staff for the performance on behalf of the PATROLAJC of the functions which are the subject of the arrangements established pursuant to this deed and may in particular:
 - 2.1 appoint, dismiss and discipline staff;
 - 2.2 meet the expenses of the PATROLAJC which relate to the provision of goods and/or services to the PATROLAJC;
 - 2.3 negotiate and execute contracts including but not limited to contracts for works;
 - 2.4 negotiate and enter into property transactions including but not limited to leases, licenses and wayleaves;
 - 2.5 give and procure administration support and professional advice including but not limited to legal, financial, surveying and personnel matters (including, for the avoidance of doubt, the procurement of external advisers to provide such administration support and/or professional advice); and
 - 2.6 such other goods and services as may be agreed with the Lead Authority and authorised by the PATROLAJC.
3. The PATROLAJC and the Lead Authority will enter into a non-binding service level agreement which, thereafter, will be reviewed on an annual basis and which will include:
 - 3.1 shared aims and principles;
 - 3.2 without prejudice to the generality of paragraph 2 of this Schedule 6, the services that the Lead Authority will provide to the PATROLAJC;
 - 3.3 the functions which the Lead Authority may at its discretion from ~~time to time~~time-to-time delegate to the Head of Service;
 - 3.4 the estimated costs of the services on an annual basis; and
 - 3.5 service reporting and review procedures.
4. The PATROLAJC and the Lead Authority shall jointly review the Lead Authority's role as such at the end of each ~~five-year~~five-year period calculated from the Commencement Date until the Date of Resignation or the Date of Termination (whichever occurs first).
5. The PATROLAJC shall reimburse the Lead Authority all costs and charges incurred (including, for the avoidance of doubt, costs and charges of appointing external advisers) including value added tax charged at the current standard rate in the provision of goods and/or services to the PATROLAJC as Lead Authority within 30 days of receipt of an invoice submitted by the Lead Authority to the PATROLAJC.

6. The consideration payable to the Lead Authority pursuant to **paragraph 5** of this **Schedule 6** shall be subject to audit by the PATROLAJC and the Lead Authority shall upon request make available all accounts records and other documents reasonably required for such purpose.
7. The Lead Authority shall take all reasonable steps to protect the interests of the PATROLAJC and to keep the PATROLAJC fully informed of all acts or decisions undertaken by the Lead Authority in its role as Lead Authority.
8. The PATROLAJC shall fully and effectively indemnify and keep indemnified the Lead Authority on demand from and against all claims, demands, liabilities, damages, losses, costs and expenses, save for instances where the Lead Authority has acted negligently and/or fraudulently and/or illegally, arising out of:
 - 8.1 the giving of professional advice or its actions as Lead Authority. For the avoidance of doubt, such indemnity applies to the actions or omissions of the Lead Authority in relation to its management of employees, workers, officers and agents carrying out work for or under the direction of the Lead Authority specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of the PATROLAJC and to the termination of the employment or engagement of any such employees, workers, officers and/or agents;
 - 8.2 the bringing and/ or defending (including settling) any claims, counterclaims, causes or rights of action or proceedings of whatsoever nature and howsoever arising (whether, at the date hereof, known or unknown, suspected or unsuspected, actual or contingent) which relate to the acts or omissions of any previous Lead Authority (including, but not limited to, any advice given by that previous Lead Authority to PATROL and/ or the Participating Authorities and whether or not such advice was procured from a third party);
 - 8.3 the actions or omissions of any previous Lead Authority in respect of any:
 - 8.3.1 employee or former employee employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL of any previous Lead Authority;
 - 8.3.2 trade union or elected employee representative of any employee or former employee employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL of any previous Lead Authority;
 - 8.3.3 worker or former worker employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL of any previous Lead Authority;
 - 8.3.4 officer or agent employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL of any previous Lead Authority;

where such claims demands costs and/or expenses relate to any claim or allegation that liability for such actions or omissions of any previous Lead Authority has transferred, transfers or will transfer to the Lead Authority by operation of the Transfer of Employment (Protection of Employment) Regulations 2006; any provision of European Community Legislation and/or any other provision whose purpose or effect is to transfer liability for such claims demands costs and/or expenses;

- 8.4 in respect of any claim brought by any staff employed specifically and solely in relation to the functions which are the subject of the arrangements established pursuant to this deed for the benefit of PATROL by the Lead Authority in its capacity as Lead Authority and/ or any claim brought by any adjudicator relating to the provision of (or failure to provide) pension benefits and premature retirement rights to any such person; and/or
- 8.5 any Losses arising out of or in connection with any lease (including related refurbishment activities) entered into on behalf of PATROL save where such Losses arise from the fraud or wilful default of the Lead Authority (but excluding, for the avoidance of doubt, any wilful default of PATROL staff);

and this indemnity shall continue to apply notwithstanding termination of the arrangements established pursuant to this deed and/or the termination of this deed.

- 8A Subject to paragraph 8B, the PATROLAJC shall, take out and maintain insurances, to the extent that they are available in the market, at commercially reasonable rates, to meet its potential obligation towards the Lead Authority under the indemnity provided in **paragraph 8**, for and on behalf of the Participating Authorities. Neither the Lead Authority nor the Participating Authorities shall take any action (or fail to take any action) which would entitle any insurer to refuse to pay any claim under any insurance policy taken out under this paragraph 8A.
- 8B. In the event that PATROLAJC are unable to take out or maintain the insurances required for the purposes of Paragraph 8 or, in the event that the insurance proceeds do not fully cover the indemnity demanded by the Lead Authority under Clause 8, PATROLAJC shall indemnify the Lead Authority from the PATROLAJC Reserve Fund to the extent not provided for by the insurances. In the event the PATROLAJC Reserve Fund does not contain sufficient funds to provide the indemnity as set out in paragraph 8, the Participating Authorities shall indemnify the Lead Authority in accordance with paragraph 8, provided that the Lead Authority has not acted negligently and/or fraudulently and/or illegally.
- 8C For the purposes of **paragraph 8.5** of this **Schedule 6, "Losses"** shall mean all claims, demands, costs, liabilities and expenses including but not limited to:
- 8C.1 the properly incurred costs of legal or professional services;
- 8C.2 any costs incurred by the Lead Authority as a result of PATROLAJC failing to successfully enforce the terms of any appointment, collateral warranty or guarantee relating to all refurbishment activities; and
- 8C.3 the rent, service charge and other payments due to be made by the Lead Authority, pursuant to the terms of any lease whether arising under statute, contract or at common law.
9. Upon the Lead Authority becoming aware of, or aware of the prospect of, any such claims, demands, liabilities, damages, losses, costs or expenses under this paragraph 8 the Lead Authority shall contact the Participating Authorities in writing within 30 days of becoming aware of the same, providing all necessary information for the Participating Authorities to properly evaluate and consider any such claims, demands, liabilities, damages, losses, costs or expenses. For the avoidance of doubt, any failure on the part of the Lead Authority to comply with the provisions of this paragraph 9 shall in no way invalidate, lessen, diminish or otherwise have an adverse impact on the indemnities given by the PATROLAJC in favour of the Lead Authority pursuant to this Schedule 6.

10. The Lead Authority may in pursuance of the arrangements established pursuant to this deed and Section 120(4) of the Local Government Act 1972 acquire and dispose of land on behalf of the Participating Authorities.
11. Subject to **paragraph 11** of this **Schedule 6**, no property belonging to the Lead Authority including staff and premises provided by the Lead Authority for the use of the PATROLAJC shall become part of the assets of the PATROLAJC and for the avoidance of doubt neither the PATROLAJC nor any of the Participating Authorities shall acquire or be entitled to claim or seek to enforce any rights as to possession or otherwise in respect of such premises and possession of such premises shall be delivered when required by the Lead Authority.
12. Without prejudice to any other assets of the PATROLAJC, the following agreements shall be treated as assets of the PATROLAJC:
 - 12.1 the lease in respect of part of the Second Floor, Springfield House, Water Lane, Wilmslow, Cheshire between (1) Cheshire East Council and (2) Orbit Developments (Manchester) Limited dated 15 February 2013 and any lease entered into by the Lead Authority in its capacity as Lead Authority for the purpose of the provision of accommodation for the PATROLAJC; and
 - 12.2 contracts of employment of staff employed by the Lead Authority in its capacity as Lead Authority for the purpose of the provision of staff for the PATROLAJC.

Schedule 7

Memorandum of Participation in the PATROLAJC

MEMORANDUM OF PARTICIPATION (ROAD TRAFFIC CONTRAVENTIONS)

Council

RECITALS

- (A) Whereas [] Council is an enforcement authority for the purposes of Part 6 of the Traffic Management Act 2004 (the "**2004 Act**") or is performing the functions of such an enforcement authority.
- (B) And whereas Regulations made under the 2004 Act (the "**Regulations**") provide that the functions conferred on each Local Authority relating to adjudication and adjudicators shall be discharged by it through a joint committee set up in pursuance of arrangements entered into by it under sections 101(5) and 102(1)(b) of the Local Government Act 1972.
- (C) And whereas a number of Local Authorities have entered into an agreement for the establishment of a joint committee known as the Parking and Traffic Regulations Outside London Adjudication Joint Committee ("**PATROLAJC**").
- (D) And whereas it is expedient that other Local Authorities should have the opportunity of making similar arrangements to exercise their functions through the joint committee and the said agreement makes provision for such Local Authorities to join in the said arrangements by means of this Memorandum.
- (E) And whereas the said Local Authority wishes to enter into the same arrangements as govern the setting up of the PATROLAJC with those Local Authorities which are currently parties to the said arrangements and to that end wishes to become a party to those arrangements.
- (F) And whereas the said Local Authority is hereby acting in accordance with its own constitutional arrangements and under the provisions of section 101(5) of the Local Government Act 1972, section 20 of the Local Government Act 2000, sections 9EA and 9EB of the Local Government Act 2000 and any regulations made thereunder.

IT IS AGREED AS FOLLOWS:

- 1. In the signing of this Memorandum the [] Council] (the "**Joining Local Authority**") shall become a party to the joint arrangements set out in the agreement annexed at **Schedule 1** to this Memorandum as if the Joining Local Authority had been named as a party in the said agreement ([Schedule 1](#)) but subject only to the modifications contained in this Memorandum.
- 2. By signing this Memorandum the Joining Local Authority hereby agrees to be bound by the terms set out in the said agreement subject only to the following modifications:

2.1 the agreement shall come into effect insofar as the Joining Local Authority is concerned only on the date the Joining Local Authority signs this Memorandum;

2.2 the Joining Local Authority shall be liable to contribute under clause 5.1 of the agreement and in accordance with the terms of contribution currently in effect at the date of joining which have been agreed by PATROLAJC which have been notified to the Joining Local Authority by the Lead Officer in the letter which forms **Schedule 2** to this Memorandum.

Signed.....

Authorised Signatory

Name and Position (please print)

Dated

[Council Name]

(Council Address)

Schedule 7A

Memorandum of Participation in the PATROLAJC

MEMORANDUM OF PARTICIPATION (BUS LANE CONTRAVENTIONS)

Council

RECITALS

- (G) Whereas [] Council is an enforcement authority for the purposes of Part 6 of the Traffic Management Act 2004 (the "2004 Act") or is performing the functions of such an enforcement authority.
- (H) And whereas Regulations made under the 2004 Act (the "Regulations") provide that the functions conferred on each Local Authority relating to adjudication and adjudicators shall be discharged by it through a joint committee set up in pursuance of arrangements entered into by it under sections 101(5) and 102(1)(b) of the Local Government Act 1972.
- (I) And whereas a number of Local Authorities have entered into an agreement for the establishment of a joint committee known as the Parking and Traffic Regulations Outside London Adjudication Joint Committee ("PATROLAJC").
- (J) And whereas it is expedient that other Local Authorities should have the opportunity of making similar arrangements to exercise their functions through the joint committee and the said agreement makes provision for such Local Authorities to join in the said arrangements by means of this Memorandum.
- (K) And whereas the said Local Authority wishes to enter into the same arrangements as govern the setting up of the PATROLAJC with those Local Authorities which are currently parties to the said arrangements and to that end wishes to become a party to those arrangements.
- (L) And whereas the said Local Authority is hereby acting in accordance with its own constitutional arrangements and under the provisions of section 101(5) of the Local Government Act 1972, section 20 of the Local Government Act 2000, sections 9EA and 9EB of the Local Government Act 2000 and any regulations made thereunder.

IT IS AGREED AS FOLLOWS:

1. In the signing of this Memorandum the [] Council] (the "Joining Local Authority") shall become a party to the joint arrangements set out in the agreement annexed at **Schedule 1** to this Memorandum as if the Joining Local Authority had been named as a party in the said agreement (Schedule 1A) but subject only to the modifications contained in this Memorandum.
2. By signing this Memorandum the Joining Local Authority hereby agrees to be bound by the terms set out in the said agreement subject only to the following modifications:

2.1 the agreement shall come into effect insofar as the Joining Local Authority is concerned only on the date the Joining Local Authority signs this Memorandum;

2.2 the Joining Local Authority shall be liable to contribute under clause 5.1 of the agreement and in accordance with the terms of contribution currently in effect at the date of joining which have been agreed by PATROLAJC which have been notified to the Joining Local Authority by the Lead Officer in the letter which forms **Schedule 2** to this Memorandum.

Signed.....

Authorised Signatory

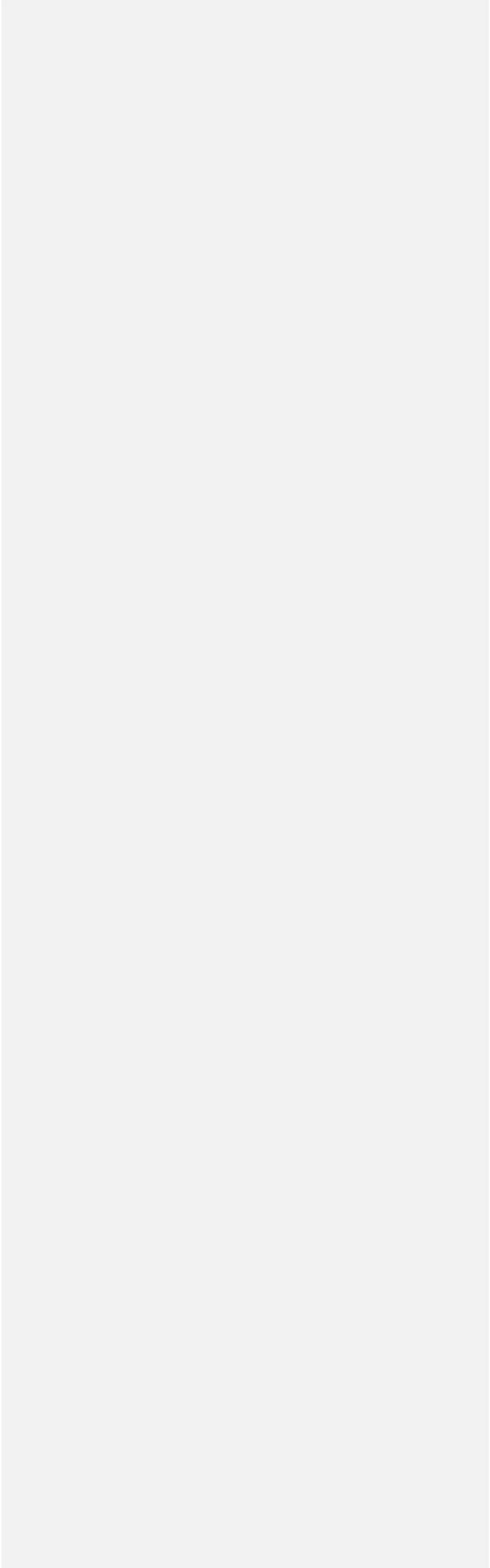
Name and Position (please print)

Dated

[Council Name]

[Council Address]

Schedule 8
PATROLAJC Agreement



Schedule 9
Contribution letter

[Date]

[Letterhead]

[Council]

Dear [Legal Officer]

Civil Enforcement of Parking
Defraying the expenses of the PATROL Adjudication Joint Committee
[Council]

I note your intention to introduce civil parking enforcement on [date].

The Lead Authority, Cheshire East Council, will be writing to you shortly to make arrangements for [Council] to become a party to the PATROL Adjudication Joint Committee agreement

The Joint Committee has determined the proportion in which expenses will be defrayed by member authorities for the period as follows.

Charge Type	Charge applicable 01/04/23 to 31/03/24
Annual Fee	£nil
PCN Fee	£0.30 28TB C
Appeal Case Fee	£nil

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I trust this is satisfactory however if you have any queries, please do not hesitate to contact me.

Yours sincerely,

Laura Padden
Director, PATROL
Email: lpadden@patrol-uk.info

Schedule 10

Memorandum of Understanding between adjudicators of the Traffic Penalty Tribunal And
The Patrol Adjudication Joint Committee and The Bus Lane Adjudication Service Joint
Committee

MEMORANDUM OF UNDERSTANDING

Between

Adjudicators of the Traffic Penalty

Tribunal And

The PATROL ADJUDICATION JOINT COMMITTEE

and THE BUS LANE ADJUDICATION SERVICE JOINT

COMMITTEE

November 2012 (day reviewed June 2014)

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MEMORANDUM OF UNDERSTANDING

1. Introduction

This Memorandum of Understanding (MOU) is between:

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

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

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

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

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

2. Shared Aims

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

3. Overriding Principles

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

4. The Statutory Framework

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

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

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

- a) section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
- b) section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
- d) Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).

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

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

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

4.4 The functions of PATROL and BLASJC are:

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

- a) With consent of the Lord Chancellor, appoint and reappoint adjudicators
 - b) Remove adjudicators from office with the agreement of the Lord Chancellor and Lord Chief Justice
 - c) Determine the place at which adjudicators are to sit
- The Joint Committees have formally delegated the above functions to the Chief Adjudicator (see Section 5 below).

The Joint Committees' functions also include:

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

4.5 The Regulations also provide that:

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

5. Chief Adjudicator

5.1 In order to create and preserve the actual and transparent independence of the adjudicators, the Joint Committees shall designate one of the adjudicators to take the role of Chief Adjudicator, thus acting as the judicial head of the tribunal. Like all adjudicators, the Chief Adjudicator enjoys judicial independence.

5.2 There is no statutory provision for a President or Chief Adjudicator. Nevertheless, the Joint Committees and the adjudicators have agreed:

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

It is also for the Chief Adjudicator:

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

6. Salaried Adjudicators

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

7. Judicial Leadership, Management and Discipline Functions

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

8. Removal of Adjudicators

8.1 An Adjudicator may only be removed from office for misconduct or if unable or unfit to discharge his or her functions (s 81 (2) (d) Traffic Management Act 2004.

8.2 The procedure for removal is specified in the Adjudicators' terms of appointment and has been delegated by the Joint Committees to the Chief Adjudicator.

9. Appeals and Judicial Matters

9.1 Appeals are made to the Adjudicators and are their responsibility. They have a duty to ensure that appeals are dealt with in accordance with the requirements of Article 6 of the European Convention on Human Rights for a fair and public hearing within a reasonable time.

9.2 Judicial matters are entirely the responsibility of the Chief Adjudicator to determine.

These include:

- a) Monitoring and appraisal of adjudicators' competencies
- b) Adjudicator Training
- c) Dealing with judicial complaints and discipline
- d) Allocation of cases

9.3 The following are also matters for the Chief Adjudicator to determine:

- a) Administrative procedures
- b) Training requirements for Adjudicators
- c) Communications strategy

9.4 The Joint Committees would expect to be consulted to the extent that 9.2 have budgetary implications.

9.5 The Chief Adjudicator may delegate functions for the expeditious operation of the tribunal.

10. Lead Officer

10.1 The PATROLAJC and BLASJC Agreements make provision for the appointment of a Lead Officer to whom functions are delegated pursuant to that Deed of Arrangement and the Standing Orders of the Joint Committees.

10.2 In view of the nature of the relationship between the Adjudicators, Joint Committees and the Lead Authority, the expectation is that the Joint Committees will request the Chief Executive of the Lead Authority to nominate the Head of Service as Lead Officer who amongst the functions delegated to the role will be expected to:

- (a) Be responsible for the administration of the Joint Committees and the Traffic Penalty Tribunal and provide for the Adjudicators on behalf of the Joint Committees, the accommodation, administrative staff and facilities. The Lead Officer has no remit to influence the decisions of the Adjudicators.
- (b) Be responsible for ensuring that the Adjudicators' requirements as set out in the Memorandum of Understanding with the Joint Committees are met within the Financial Regulations of the Joint Committee.
- (c) Work in partnership with the Chief Adjudicator to ensure the vision, aims and objectives of the tribunal are achieved.

- (d) Provide strong and strategic leadership to manage the support function for the Adjudicators to deliver an efficient service that ensures all appeals are held within legal requirements and performance criteria.
- (e) Manage the Service Level Agreement with the Lead Authority on behalf of the Joint Committees.

11. Accommodation, administrative staff and facilities

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

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

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

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

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

12.0 Defraying the expenses of the Tribunal

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

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

13. Advisory Board

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

14.0 Lead/Host Authority

- 14.1 The Joint Committees are not made body corporate by statute however the Joint Committees are entities recognized in law as ones distinct from their members. The Joint Committees themselves may enter into contracts and also commissions services as required from time to time from one of its member councils referred to as the Host or Lead Authority.
- 14.2 The expectation is that the relationship between the Lead Authority and both the Joint Committees and the tribunal will replicate that of an arm's length body, with the Lead Authority providing services and advice as required.
- 14.3 The services provided by the Lead Authority, enabling the Joint Committees to provide the resources to the Adjudicators as identified in this Memorandum of Understanding, will be supported by a Service Level Agreement with the Joint Committees.
- 14.4 The period of tenure for the Lead Authority is five years.

15. Review Mechanism

- 15.1 The MOU will be reviewed by the Adjudicators and the Joint Committees on an annual basis. This review will inform the annual review of the service level agreement between the Joint Committees and the Lead Authority.
- 15.2 Should the Chief Adjudicator have any concerns about matters impacting upon the independence of the Adjudicators, this will be brought to the immediate attention of the Chairs of the Joint Committees and/or their Advisory Board.

APPENDIX A

CHIEF ADJUDICATOR ROLE

Introduction

The Chief Adjudicator's role is to recruit, lead and manage the Adjudicators with the aim of delivering a fair, timely and efficient adjudication service. In so doing, the responsibility of the Chief Adjudicator shall include the following:

1. Arrange the recruitment of an appropriate number of Adjudicators
2. Advise the Joint Committees on the removal of Adjudicators where necessary
3. Advise the Joint Committees on the reappointment of Adjudicators
4. Arrange appropriate induction and continuing training for Adjudicators, supplemented by appropriate guidance materials
5. Ensure the independence of Adjudicators
6. Monitoring, mentoring and appraisal of Adjudicators
7. Represent the Adjudicators in dealing with others, including:
 - i) The Joint Committees
 - ii) Government
 - iii) The press
8. Ensure proper rules of procedure and practices and promote consistency in their application.
9. Establish appropriate delegation in respect of the Chief Adjudicator and Adjudicator functions for the expeditious operation of the tribunal.
10. Ensure that administrative provision for Adjudicators is adequate and appropriate.
11. Deal with complaints against Adjudicators in accordance with the Adjudicators' Judicial Complaints Protocol, and other disciplinary matters
12. Provide guidance and support to individual Adjudicators
13. Deal with representation of Adjudicators in the event of a judicial review of their decision or other legal proceedings arising from the performance of their function.
14. Allocation of cases
15. On behalf of the Adjudicators, and in fulfillment of their obligation to the Joint Committees to report annually, author and present an annual report to the Joint Committees on the discharge by the Adjudicators of their functions with a view to its subsequent publication to the Secretary of State.
16. Keep the Joint Committees informed of all legal matters affective implementation and maintenance of the adjudication system.

APPENDIX B

FIGURATIVE REPRESENTATION OF THE ROLES REFERRED TO IN THE MEMORANDUM OF UNDERSTANDING

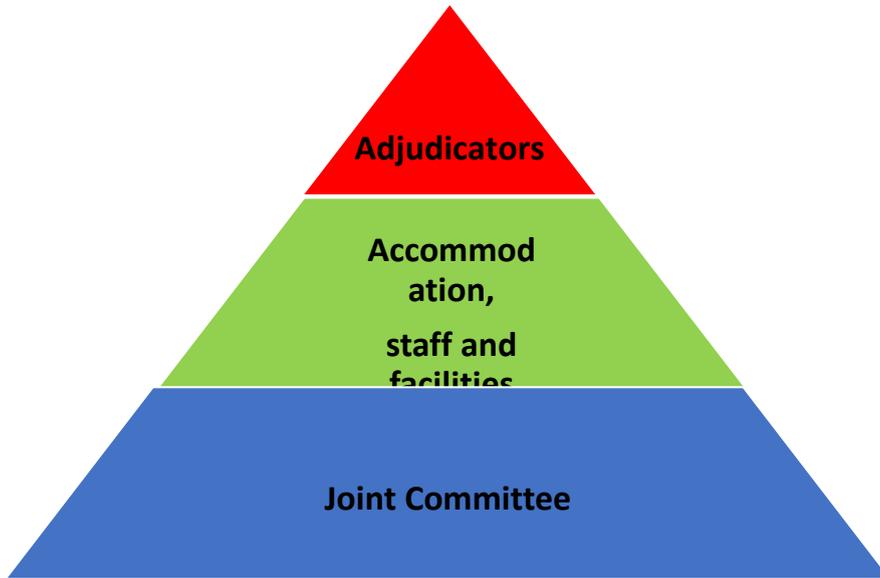


Fig 1. Provision of Services to Adjudicators

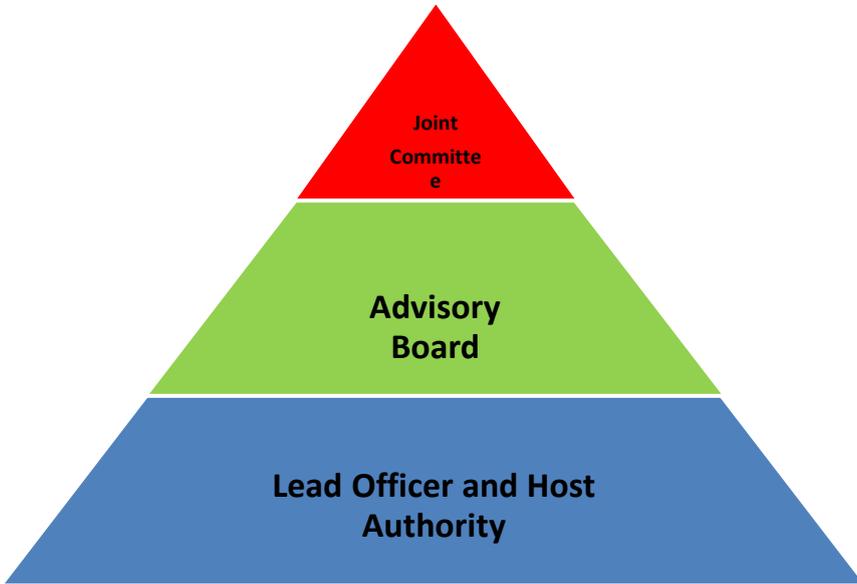


Fig 2. Governance Structure

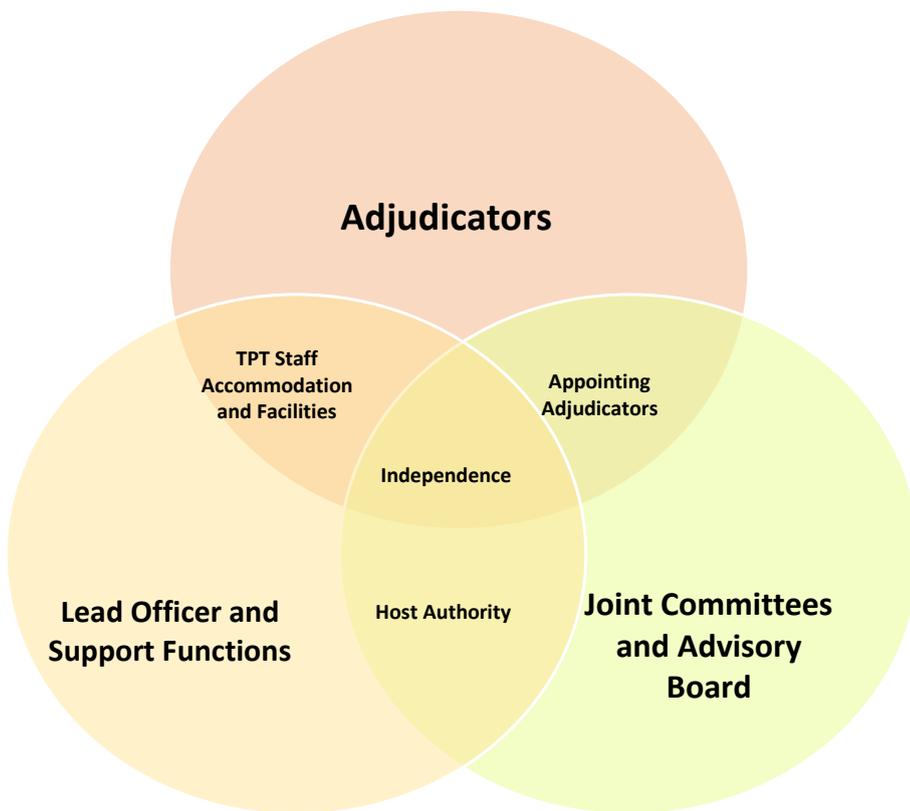


Fig 3. Overview of Joint Committee Relationships

PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Amendments to the Terms of Reference to the PATROLAJC Executive Sub Committee, the PATROL Adjudication Joint Committee Resources Working Group and Sub Committee and the Advisory Board
Report of:	Sarah Baxter, Democratic Services and Policy Manager

1. Purpose of Report

- 1.1. To inform the Joint Committee of the amendments to the terms of reference to the PATROLAJC Executive Sub Committee, the PATROL Adjudication Joint Committee Resources Working Group and Sub Committee and the Advisory Board.
- 1.2. The Executive Sub Committee approved the amendments at its meeting on the 24th January 2023., however the Joint Committee is also required to formally note the amendments.

2. Recommendations

- 2.1. To note the amendments to the terms of reference to the PATROLAJC Executive Sub Committee as contained in Appendix One of the report.
- 2.2. To note the amendments to the terms of reference to the PATROL Adjudication Joint Committee Resources Working Group and Sub Committee as contained in Appendix Two of the report.
- 2.3. To note the amendments to the terms of reference to the Advisory Board as contained in Appendix Three of the report.

3. Reasons for Recommendations

- 3.1. As a result of the changes to the Transport Act 2000 and the Traffic Management Act 2004.

4. Background

- 4.1** Legislative changes have resulted in the transfer of the bus lane enforcement regime outside London from the Transport Act 2000 (“the 2000 Act”) to the bus lane enforcement provisions in Part 2 of Schedule 8 of the 2004 Act. This reflects the original intention when the 2004 Act was introduced.
- 4.2** This means the Bus Lane Adjudication Service Joint Committee and Bus Lane Adjudication Service Joint Committee Executive Sub Committee will cease to exist and that the PATROL Adjudication Joint Committee and PATROL Adjudication Joint Committee Executive Sub Committee will assume responsibility for all matters relating to bus lane enforcement.
- 4.3** As a result the terms of reference of the Executive Sub Committee, the PATROL and Bus Lane Adjudication Service Joint Committee Resources Working Group and Sub Committee and the Advisory Board need to be amended to remove any reference to the BLASAJC and its Executive Sub Committee.
- 4.4** In addition the opportunity has been taken to make some further minor amendments to the terms of reference to the Advisory Board.

5. Implications

5.1. Legal

- 5.1.1** There are no direct legal implications arising as a result of this report.

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

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

=

1. Financial Matters

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

2. Human Resources

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

3. Advisory Board

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

4. New Council members to the PATROLAJC and BLASJC Agreements

Noting new council members.

5. Ad hoc delegations

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

6. Chairs of the Executive Sub Committees

The chair~~s~~ elected for the Joint Committee will assume the same position~~s~~ on the Executive Sub Committee~~s~~.

APPENDIX TWO

PATROL ~~AND BUS LANE~~ ADJUDICATION SERVICE JOINT COMMITTEE

Resources Working Group and Sub Committee

Terms of Reference 202~~31~~/202~~42~~

Membership:

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

Meetings:

As and when required.

Delegation

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

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

- (e) Noting reports from the Director on expenditure falling outside the Joint Committee's Financial Regulations.
- (f) Approving human resource proposals which fall outside the delegation from the Joint Committee and Lead Authority to the Director save for those relating to Adjudicators which are delegated to the Chief Adjudicator on the basis that they fall within the approved budget.

Review

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

APPENDIX THREE

PATROL ~~AND Bus Lane~~ Adjudication Service Joint Committees' Advisory Board

Terms of Reference

1. To assist and advise the Joint Committees on the overall policies and strategies for administering the adjudication service and on their responsibilities under
 - section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
 - section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
 - Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).
 - Regulation 18 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

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

2. The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.
3. To receive and monitor progress against the Performance Management Strategy produced by the Director and to review the service structure, organisation and administration and to scrutinise recommendations for changes before they are put before the Joint Committees.

4. To monitor and review the service revenue budgets and to scrutinise recommendations for changes before they are put before the Joint Committees.
5. To assist and advise the Director on the preparation of an annual service plan.
6. The Board shall consist of always the Lead Officer plus up to eleven people:
 - Seven representatives of local authorities as follows:
 - - At least one representing an English Authority
 - At least one representing a Welsh Authority
 - At least one representing a District Council
 - At least one representing a County Council
 - At least one representing a Unitary or Metropolitan Council
 - At least one representing a Civil Bus Lane Enforcement Council.
 - A representative from the Department for Transport (road user charging).
 - A representative from a motoring association.
 - An independent person with knowledge of judicial or tribunal systems.
 - An independent consumer representative.

The DfT, WG, Motoring Association and Independent members would act as ex-officio members.

Department for Transport and Welsh Government representatives will be welcomed to attend meetings or provide updates.

The Joint Committees shall make appointments to the Advisory Board based on recommendations received from the Advisory Board. Such appointments are to be for four years but may be subject to reappointment. Except for the Lead Officer, members shall retire on a four-year rotation cycle.

The Advisory Board shall recommend to the Joint Committees representatives of an appropriate motoring organisation and appropriate independent persons who should sit on the Board.

The DfT shall nominate a specific representative for road user charging.

Advisory Board members should not have direct responsibility for the appeals process and should not be day-to-day managers of parking

~~services and~~ should where possible include representatives from legal and financial backgrounds as well as those responsible for parking.

The Board shall elect a Chairman and, a Vice-Chairman ~~and a Secretary~~ from within the membership of the Board.

PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Draft Annual Return PATROL 2022/23
Report of:	Laura Padden, Director PATROL

1.0 Report Summary

This report presents the draft Annual Returns for the year 2022/23, for both PATROL and BLASJC.

From 1st April 2023 the balances and reporting are combined.

2.0 Recommendations

That the Joint Committee for PATROL:

- a. Notes the outturn position against the 2022/23 budget included with the report **(Appendix 1) – subject to external audit validation**
- b. Approves the **surplus** for the year of £403,982 to be added to the Joint Committee's Reserves.

This excludes £262,177 being the total of Highways England (Dartford-Thurrock River Crossing) and Halton Borough Council.

- c. Determines that the Executive Sub Committee review the basis for defraying expenses, following budget monitoring at the half year point, at their meeting in October 2023.
- d. Notes the Balance Sheet **(Appendix 2)** and Cash Flow **(Appendix 3)** and audit timetable
- e. Notes the Small Bodies Draft Annual Return submitted for External Audit **(Appendix 4)**

- f. Notes the Annual Internal Audit Report 2022/23 (**Appendix 5**). This covers both **PATROL** and **BLASJC**.

That the Joint Committee for the previous BLASJC:

- g. Notes the outturn position against the 2022/23 budget included with the report (**Appendix 6**) – *subject to external audit validation*
- h. Approves the **surplus** for the year of £113,240 to be added to the Joint Committee's Reserves.
- i. Determines that the Executive Sub Committee review the basis for defraying expenses, following budget monitoring at the half year point, at their meeting in October 2023.
- j. Notes the Balance Sheet (**Appendix 7**) and Cash Flow (**Appendix 8**) and audit timetable
- k. Notes the Small Bodies Draft Annual Return submitted for External Audit (**Appendix 9**)

3.0 Reasons for Recommendations

Required under the Joint Committee Financial Regulations to finalise the accounts for 2022/23.

4.0 Background

At the meeting of the Executive Sub Committees held on 25th January 2022 it was agreed to adopt the revenue budget estimates set out in this report.

- 4.1** The outturn position for PATROL to 31st March 2023 is enclosed at **Appendix 1**
The Balance Sheet for PATROL at 31st March 2023 is shown at **Appendix 2**
The Cash Flow for PATROL for the year 22/23 is shown at **Appendix 3**
- 4.2** The outturn position for BLASJC to 31st March 2023 is enclosed at **Appendix 6**
The Balance Sheet for BLASJC at 31st March 2023 is shown at **Appendix 7**
The Cash Flow for BLASJC for the year 22/23 is shown at **Appendix 8**
- 4.3** Should it be the case that there is a need for greater expenditure than that provided for in the approved budget, there is a recommendation to authorise the Director to incur additional expenditure, provided such expenditure does not exceed the income for the current year.
- 4.4** Should it be the case that the revenue account falls into deficit then the surplus from previous years is available.
- 4.5** Should there be greater income than expenditure in the year then there is a recommendation that this be transferred into the succeeding year as reserves.

4.6 Income and Expenditure Summary – PATROL

SUMMARY TO DATE				
	31/03/2023	31/03/2023	31/03/2023	31/03/2023
	Year to Date	Budget	Var to Budget	Var to Budget
Income	3,564,990	3,423,185	141,805	4.1%
Expenditure	2,898,831	3,425,300	526,469	15.4%
Surplus / (Deficit)	666,159	-2,115	668,274	
Breakdown of Surplus				
PATROL	403,982	-15,482	419,464	
Halton Borough Council	79,061	-10,288	89,348	
National Highways	183,116	23,654	159,462	
	666,159	-2,115	668,274	

A positive variance in both Income (£141,805) and Expenditure (£526,469) combined to give a result which was £668,274 better than budgeted. Of this amount £419,464 relates to PATROL surpluses and the balance is ringfenced to Halton Borough Council (in respect of the Mersey Gateway) and National Highways (in respect of the Dartford River Crossing).

Income:

- Income for the year 22/23 is £141,805 over budget (positive variance of 4.1%)
- Primarily due to higher Parking Income (£246k) and Dartcharge Income (£72k)
- This was offset by a lower than anticipated recharge of costs to BLASJC (£172k) due to lower actual total costs being incurred

Expenditure:

- Expenditure for the year 22/23 is £526,469 underspent (positive variance of 15.4%)
- Adjudication costs were underspent by £413,680 primarily due to the removal of the Deputy role, and other new ways of working
- Staff costs were underspent by £134,211 due to unfilled vacancies
- Travel costs were underspent by £26,336 due to savings made by holding fewer meetings requiring travel and accommodation
- Supplies and Services were overspent by £91,899 (37.8%). This is due to an overspend on Adjudicator Counsel Advice of £164k which offset savings made of £72k on other cost lines

4.7 Reserves – PATROL

The Reserves position at 31st March 2023 for PATROL is summarised as follows:

Reserves Balances

	PATROL only			Movement
	Reserves	Approved	Free Reserves	
Opening Reserves 2020/21	3,089,798	2,255,631	834,167	
Reserves for year 2020/21	-636,717			
Drawdown in Year 2020/21	-214,362			
Opening Reserves 2021/22	2,238,719	1,912,104	326,615	-507,552
Reserves for year 2021/22	329,736			
Drawdown in Year 2021/22	0			
Opening Reserves 2022/23	2,568,455	1,893,880	674,575	347,960
Reserves for year 2022/23	403,982			
Drawdown in Year 2022/23	0			
CLOSING RESERVES 22/23	2,972,437	1,893,880	1,078,557	403,982

The Reserves balance at 31st March 2023 for PATROL (excluding amounts ringfenced for National Highways and Halton Borough Council) are £2,972,437 (FREE Reserves are £1,078,557). This means that the effect on Reserves of the pandemic have been reversed (FREE Reserves pre-pandemic were £834,167, an improvement of £244,390).

4.8 Income and Expenditure Summary – BLASJC

SUMMARY TO DATE				
	31/03/2023	31/03/2023	31/03/2023	31/03/2023
	Forecast	Full Year	Var to	Var to Budget
	Outturn	Budget	Budget	
Income	654,963	621,849	33,114	5.3%
Expenditure	541,723	694,659	152,936	22.0%
Surplus / (Deficit)	113,240	-72,810	186,050	

A positive variance in both Income (£33,114) and Expenditure (£152,936) combined to give a result which was £186,050 better than budgeted.

Income:

- Bus Lane Income for the year 22/23 is £34,585 over budget (positive variance of 5.58%)
- This was offset by a lower than anticipated interest received (£1.5k)

Expenditure:

- Expenditure for the year 22/23 is £152,936 underspent (positive variance of 22.02%)
- This is due to a lower than budgeted recharge of costs from PATROL (£172,425) caused by a lower than budgeted actual total costs

4.9 Reserves – BLASJC

The Reserves position at 31st March 2023 for PATROL is summarised as follows:

Reserves Balances

	BUS LANES			Movement
	Reserves	Approved	Free Reserves	
Opening Reserves 2020/21	574,567	332,214	242,353	
Reserves for year 2020/21	-85,772			
Drawdown in Year 2020/21	0			
Opening Reserves 2021/22	488,795	338,899	149,896	-92,457
Reserves for year 2021/22	111,765			
Opening Reserves 2022/23	600,560	347,342	253,218	103,322
Reserves for year 2022/23	113,240			
RESERVES TO END JULY 22	713,800	347,342	366,458	113,240

The Reserves balance at 31st March 2023 for BLASJC are £713,800 (FREE Reserves are £366,458). This means that the effect on Reserves of the pandemic have been reversed (FREE Reserves pre-pandemic were £242,353, an improvement of £124,105).

These balances are transferred to the PATROL Reserves from 1st April 2023.

4.10 External Audit

The external audit timetable is as follows:

Stage	2022/23 dates
Draft Annual Return submitted to PATROL ASJC for approval	11 th July 2023
Submission of Small Bodies Annual Return and Supporting Documents to BDO for external audit	12 th July 2023
Completion of External Audit reported to Joint Committee	17 th October 2023

4.11 Internal Audit Report 22/23

Internal audit is provided by the Host Authority. The Internal Audit Report is at **Appendix 5**.

The number of recommendations is as follows:

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Low	0	0	1	0	2	0
Med	1	0	3	0	0	0
High	0	0	0	0	0	0
TOTAL	1	0	4	0	0	0

The level of assurance for 22/23 is GOOD which is the highest level that can be awarded.

5.0 Implications

5.1 Finance

To adhere to the Financial Regulations.

6.0 Risk Management

To provide assurance on the financial stability of the Joint Committee and to inform the Risk Management Framework.

Appendix 1 – PATROL Outturn:

	Year to Date				Full Year				
	31/03/2023	31/03/2023	31/03/2023	31/03/2023	31/03/2023	31/03/2023	31/03/2023	31/03/2022	
	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 *	1,740,945	1,494,578	246,367	16.5%	1,740,945	1,494,578	246,367	1,535,084	-40,506
Recharge for Bus Lane Adjudication Costs	522,233	694,684	-172,450	-24.8%	522,233	694,684	-172,450	512,983	181,701
Road User Charging:									
RUCA (Dartcharge) - National Highways	764,305	692,038	72,267	10.4%	764,305	692,038	72,267	683,657	8,381
RUCA (Mersey Gateway) - Halton Borough Council	209,208	208,777	431	0.2%	209,208	208,777	431	205,975	2,802
Clean Air Zones	268,508	329,448	-60,940	-18.5%	268,508	329,448	-60,940	251,414	78,034
LFV	1,569	60	1,509	2515.5%	1,569	60	1,509	132	-72
Bank Interest	19,765	3,600	16,165	449.0%	19,765	3,600	16,165	3,669	-69
Sale of Assets	180	0	180	0.0%	180	0	180	250	-250
Other Income	38,276	0	38,276	0.0%	38,276	0	38,276	34,539	-34,539
Total Income	3,564,990	3,423,185	141,805	4.1%	3,564,990	3,423,185	141,805	3,227,703	195,482
Expenditure:									
Adjudicators	809,459	1,223,139	413,680	33.8%	809,459	1,223,139	413,680	839,526	-383,613
Staff	1,244,552	1,378,762	134,211	9.7%	1,244,552	1,378,762	134,211	1,106,481	-272,282
Premises / Accommodation	67,184	67,930	746	1.1%	67,184	67,930	746	46,358	-21,572
Transport	28,164	54,500	26,336	48.3%	28,164	54,500	26,336	22,467	-32,033
Supplies and Services	335,158	243,269	-91,889	-37.8%	335,158	243,269	-91,889	222,830	-20,439
IT	351,694	399,374	47,680	11.9%	351,694	399,374	47,680	351,241	-48,133
Services Management and Support	53,340	53,685	345	0.6%	53,340	53,685	345	51,990	-1,695
Audit Fees	4,100	4,641	541	11.7%	4,100	4,641	541	3,400	-1,241
Bad Debts - movement on provision	5,180	0	-5,180	0.0%	5,180	0	-5,180	-725	-725
Total Expenditure	2,898,831	3,425,300	526,469	15.4%	2,898,831	3,425,300	526,469	2,643,568	-781,732
Surplus / (Deficit)	666,159	-2,115	668,274		666,159	-2,115	668,274	584,135	-586,251
	0	-0				-0	0		0
Breakdown of Surplus	666,159	-2,115	668,274	-31590.1%	666,159	-2,115	668,274	584,135	-586,251
PATROL *	403,982	-15,482	419,464	-2709.4%	403,982	-15,482	419,464	329,736	74,245
Halton Borough Council	79,061	-10,288	89,348	-868.5%	79,061	-10,288	89,348	70,020	9,041
National Highways	183,116	23,654	159,462	674.1%	183,116	23,654	159,462	184,379	-1,263

Appendix 2 – PATROL Balance Sheet:

BALANCE SHEET - PATROL	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
	p13	p14	p15	p16	p17	p18	p19	p20	p21	p22	p23	p24
Current Assets												
LA Debtors	580,465	364,103	249,169	694,495	328,923	201,520	570,302	225,530	172,565	470,607	224,984	222,264
Other Debtors	105,906	69,183	208,565	139,531	20,861	47,485	68,297	136,994	65,607	61,382	44,389	79,130
VAT												
Cash and Bank	2,127,326	2,399,722	2,514,364	2,153,090	2,373,651	2,382,221	2,331,623	2,480,340	2,573,336	2,433,708	2,526,653	2,438,751
Total	2,813,697	2,833,008	2,972,098	2,987,117	2,723,435	2,631,226	2,970,222	2,842,864	2,811,508	2,965,697	2,796,026	2,740,145
Current Liabilities												
Trade Creditors	22,839	16,340	241,940	85,940	149,329	138,234	142,533	118,238	284,993	132,037	140,980	123,290
Other Public Bodies												
Other Creditors	-148,042	-157,083	-419,418	-316,078	-522,863	-617,577	-246,988	-406,810	-550,512	-314,002	-577,371	-615,699
Total	-125,203	-140,743	-177,478	-230,138	-373,535	-479,343	-104,454	-288,573	-265,518	-181,966	-436,391	-492,410
Net Current Liabilities	2,938,900	2,973,751	3,149,575	3,217,254	3,096,970	3,110,569	3,074,677	3,131,437	3,077,026	3,147,663	3,232,417	3,232,555
Long Term (Liabilities)/Assets	0											
NET ASSETS	2,938,900	2,973,751	3,149,575	3,217,254	3,096,970	3,110,569	3,074,677	3,131,437	3,077,026	3,147,663	3,232,417	3,232,555
Financed By:												
Pension Reserve												
Reserves BF	2,861,823	2,861,823	2,861,823	2,861,823	2,861,823	2,861,823	2,861,823	2,861,823	2,861,823	2,861,823	2,861,823	2,861,823
Reserves drawdown					-50,220	-117,077	-180,167	-262,797	-262,797	-279,349	-295,427	-295,427
Current Year Surplus	77,077	111,928	287,752	355,431	285,366.60	365,823	393,021	532,411	478,000	565,189	666,021	666,159
TOTAL NET WORTH	2,938,900	2,973,751	3,149,575	3,217,254	3,096,970	3,110,569	3,074,677	3,131,437	3,077,026	3,147,663	3,232,417	3,232,555
	0	0	0	0	0	0	0	0	0	0	0	0

Appendix 3 – PATROL Cash Flow:

CASH FLOW - PATROL	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
	p13	p14	p15	p16	p17	p18	p19	p20	p21	p22	p23	p24
Opening Cash Balance	2,202,197	2,127,326	2,399,722	2,514,364	2,153,090	2,373,651	2,382,221	2,331,623	2,480,340	2,573,336	2,433,708	2,526,653
Decrease / (Increase) in LA Debtors	-437,679	216,362	114,933	-445,326	365,572	127,403	-368,782	344,772	52,965	-298,043	245,623	2,720
Decrease / (Increase) in Other Debtors	-33,930	36,723	-139,382	69,034	118,670	-26,624	-20,812	-68,697	71,387	4,225	16,993	-34,741
Decrease / (Increase) in VAT Debtor	0	0	0	0	0	0	0	0	0	0	0	0
Increase / (Decrease) in Trade Creditors	-105,611	-6,499	225,600	-156,000	63,389	-11,094	4,299	-24,296	166,756	-152,957	8,943	-17,690
Increase / (Decrease) Public Body Creditors	0	0	0	0	0	0	0	0	0	0	0	0
Increase / (Decrease) in Other Creditors	425,272	-9,040	-262,335	103,340	-206,786	-94,714	370,589	-159,823	-143,701	236,509	-263,369	-38,328
Movement on Reserves	77,077	34,851	175,825	67,679	-120,284	13,599	-35,893	56,760	-54,411	70,637	84,754	138
Closing Cash Balance	2,127,326	2,399,722	2,514,364	2,153,090	2,373,651	2,382,221	2,331,623	2,480,340	2,573,336	2,433,708	2,526,653	2,438,751
	0	0	0	0	0	0	0	0	0	0	0	0

Appendix 4 – Small Bodies DRAFT Annual Return – PATROL:

Joint Committees

Return for the financial year ended 31 March 2023

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

- Sections 1 and 2 are completed by the person nominated by the Joint Committee
- Section 3 is completed by the Joint Committee's internal audit provider.

Completing your return

Guidance notes, including a completion checklist, are provided on page 6 and at relevant points in the return.

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

Send the return, together with your bank reconciliation as at 31 March 2023, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to us, BDO LLP, by the due date.

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

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

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

Section 1 – Governance statement 2022/23

We acknowledge as the members of

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE
LONDON ADJUDICATION JOINT COMMITTEE

Our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2023, that:

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

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

Minute reference

Date

Signed by:

Chair

Signed by:

Clerk

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

Section 2 – Accounting Statements 2022/23 for

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE
LONDON ADJUDICATION JOINT COMMITTEE

	Year ending		Notes and guidance Please round all figures to nearest £1. Do not leave any boxes blank and reports £0 or Nil balances. All figures must agree to underlying financial records.
	31 March 2022 £	31 March 2023 £	
1 Balances brought forward	2,385,957	2,861,823	Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year.
2 (+) Income from local taxation and/or levy	—	—	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body. Excluding any grants received.
3 (+) Total other receipts	3,227,703	3,564,990	Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	1,879,435	2,058,992	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5 (-) Loan Interest/capital repayments	—	—	Total expenditure or payments of capital and interest made during the year on the body's borrowings (if any).
6 (-) All other payments	872,402	1,135,266	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7 (=) Balances carried forward	2,861,823	3,232,555	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8 Total cash and short term investments	2,207,009	2,444,111	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation.
9 Total fixed assets plus other long term investments and assets	—	—	The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings	—	—	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB)

I certify that for the year ended 31 March 2023 the accounting statements in the return present fairly the financial position of the Joint Committee and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

SIGNATURE REQUIRED

Date

DD/MM/YYYY

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

DD/MM/YYYY

and recorded as minute reference:

MINUTE REFERENCE

Signed by Chair of meeting approving these accounting statements:

SIGNATURE REQUIRED

Section 3 – Annual internal audit report 2022/23 to

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE

The Joint Committee's internal audit service provider, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2023.

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

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

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

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

Name of person who carried out the internal audit:

PRINT NAME

Signature of person who carried out the internal audit:

SIGNATURE REQUIRED

Date:

DDMMYY

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

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

Guidance notes on completing the 2022/2023 return

1. Make sure that your return is complete (i.e. no empty red boxes), and is properly signed and dated. Avoid making any amendments to the completed return. But, if this is unavoidable, make sure the amendments are drawn to the attention of and approved by the body, properly initialled and an explanation provided to us. Returns containing unapproved or unexplained amendments will be returned and may incur additional costs.
2. Use the checklist provided below. Use a second pair of eyes, perhaps a member of the committee or the Chair, to review your return for completeness before sending it to us.
3. Do not send us any information not specifically asked for. Doing so is not helpful. However, you must notify us of any change of Clerk, Responsible Financial Officer or Chair.
4. Make sure that the copy of the bank reconciliation or letter confirming the balance held on your behalf which you send with the return covers all your bank balances. If the joint committee holds any short-term investments, note their value on the bank reconciliation. We must be able to agree your bank reconciliation to Box 8 on the Accounting statements. You must provide an explanation for any difference between Box 7 and Box 8.
5. Explain fully significant variances in the accounting statements on page 3. Do not just send in a copy of your detailed accounting records instead of this explanation. We want to know that you understand the reasons for all variances. Include a complete analysis to support your explanation.
6. If we have to review unsolicited information, or receive an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which we will make a charge.
7. Make sure that your accounting statements add up the balance carried forward from the previous year (Box 7 of 2022) equals the balance brought forward in the current year (Box 1 of 2023).

Completion checklist – No answers mean you may not have met requirements		Done?
All sections	All red boxes have been completed?	✓
	All information has been sent with this return?	✓
Section 1	For any statement to which the response is 'no', an explanation is provided?	✓
Section 2	Approval by the body confirmed by the signature of Chair of meeting approving the accounting standards?	✓
	An explanation of significant variations from last year to this year is provided?	✓
	Bank reconciliation as at 31 March 2023 agrees to Box 8?	✓
	An explanation of any difference between Box 7 and Box 8 is provided?	✓
Section 4	All red boxed completed by internal audit and explanations provided?	✓

Internal Audit – Assurance Report PATROL (Parking and Traffic Regulations Outside London) 2022/23

Report Status: Final
Report Date: 13th June 2023
Prepared by: Lucy Nelson

Working for a *brighter future* together



OFFICIAL

Executive Summary

1. Background

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

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

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

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

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

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

1.6 The Traffic Penalty Tribunal also provides adjudication in respect of penalties issued for failure to pay the road user charge at the Dartford-Thurrock River Crossing, the Mersey Gateway Bridge and the Durham Road User Charge Zone and in relation to Clean Air Zones, Moving Traffic offences and Littering from Vehicles penalty notices.

1.7 PATROL is classed as a small relevant body in accordance with the Accounts and Audit Regulations 2015, and prior to 2015/16 had to complete a Small Bodies Annual Return

Executive Summary

(SBAR) summarising their annual activities at the end of each financial year. This requirement was removed in 2015/16 by the Accounts and Audit Regulations 2015; however, the Body has decided to still complete the SBAR on an annual basis as good practice and in the spirit of openness and transparency.

- 1.8 Cheshire East Council was appointed as the Host Authority to the PATROL Adjudication Joint Committee and Bus Lane Adjudication Joint Committee on 1st January 2013. As part of this role, the Council has delivered the Body's Internal Audit service.
- 1.9 Where reference is made to policies and procedures in this report, these are PATROL's, not Cheshire East Council's unless specified otherwise.

2. Scope of Review and Risks Covered

- 2.1. Due to the Covid-19 pandemic and following a period of consultation, PATROL staff have moved to Home Based contracts with staff operating under home working agreements. As such, Internal Audit has followed the programme of testing and carried out physical testing where required but has also placed reliance on information being supplied electronically.
- 2.2. In order to complete Section 4 of the 2022/23 SBAR, we had to determine whether the ten stated internal control objectives have been achieved throughout the 2022/23 financial year to a standard adequate to meet the needs of the Body. The control objectives are:

- A. Appropriate accounting records have been kept properly throughout the year.
- B. The Joint Committee's financial regulations have been met, payments were approved and VAT appropriately accounted for.
- C. The Joint Committee assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.
- D. The annual taxation or levy or funding requirements resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.
- E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.
- F. Petty cash payments were properly supported by receipts, expenditure was approved and VAT appropriately accounted for.
- G. Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied.
- H. Asset and investment registers were complete and accurate and properly maintained.
- I. Periodic and year-end bank account reconciliations were properly carried out.
- J. Accounting statements prepared during the year were prepared on the correct accounting basis, agreed to the cash book, were supported by an adequate audit trail from underlying records, and where appropriate, debtors and creditors properly recorded.

Executive Summary

2.3. In order to satisfy the above control objectives, we carried out a programme of audit testing on the following areas:

- Assets
- Banking and Cheques
- Budgetary Control
- Income
- Payroll
- Procurement
- Purchase Cards
- Petty Cash
- Risk Management

2.4 PATROL did not operate a petty cash/imprest system during 2022/23 (Control F on the SBAR). However, they do have six purchase cards linked to their bank account. As such, and as per the testing carried out in previous years, a review of processes and controls in operation in relation to the cards was undertaken.

2.5 The separate Joint Committees for PATROL Adjudication Service and Bus Lanes Adjudication Service share the same systems and processes. Therefore, where appropriate, audit work focussed on PATROL and assurance can be drawn from this for Bus Lanes.

2.6 Where sample testing was undertaken, sampling was proportionate to the volume of transactions in relation to the PATROL, Bus Lanes, RUCA, Clean Air Zones, moving traffic and littering. Furthermore, the samples selected included transactions completed throughout the whole of 2022/23 to ensure that the findings are as comprehensive

and reliable as possible and capture an accurate reflection of the practices in place. Although reasonable assurance can be drawn from these findings it is never possible to give complete assurance that all issues have been uncovered, as we are unable to test every transaction.

2.4. We have previously issued a draft report to present our key findings and actions, (reported on an exception basis), to confirm the factual accuracy of the findings and to agree recommended actions. This final report is issued now that the recommended actions, along with responsibilities and timescales have been agreed.

3. Key Findings and Recommended Actions

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

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

4. Conclusion and Opinion

4.1. The audit concluded that the 10 control objectives detailed on the 2022/23 SBAR are effectively managed for both PATROL and Bus Lane Adjudication Joint Committees. Appendix A confirms the results of the audit work as it will be entered on the SBAR.

Executive Summary

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

Good Assurance

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

Appendix A – Summary of Results for the Small Bodies Annual Return

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

* PATROL did not operate a petty cash system during 2022/23, however there are six purchase cards linked to the bank account, therefore, a review of processes and controls in operation in relation to the cards was undertaken.

Appendix B – Audit Opinion and Priority Rating for Individual Findings

Audit Opinion

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

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

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

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

Appendix B – Audit Opinion and Priority Rating for Individual Findings

Priority Rating for Individual Findings

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

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

Appendix 6 – BLASJC Outturn:

	Year to Date				Full Year			
	31/03/2023 Actual	31/03/2023 Budget	31/03/2023 Var to Budget	31/03/2023 Var to Budget	31/03/2023 Forecast Outturn	31/03/2023 Full Year Budget	31/03/2023 Var to Budget	31/03/2022 Prior Year Result
Income								
Bus Lane Income	654,934	620,349	34,585	5.58%	654,934	620,349	34,585	627,400
Interest	29	1,500	-1,471	-98.05%	29	1,500	-1,471	146
Total Income	654,963	621,849	33,114	5.33%	654,963	621,849	33,114	627,546
Expenditure:								
Supplies and Services Recharge	522,233	694,659	172,425	24.82%	522,233	694,659	172,425	512,983
Bad Debts	19,394	0	-19,394	0.00%	19,394	0	-19,394	2,720
Bank Charges	96	0	-96	-	96	0	-96	78
Total Expenditure	541,723	694,659	152,936	22.02%	541,723	694,659	152,936	515,781
Surplus / (Deficit)	113,240	-72,810	186,050	255.53%	113,240	-72,810	186,050	111,765

Appendix 7 – BLASJC Balance Sheet:

BALANCE SHEET - BUS LANES	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
	p1	p2	p3	p4	p5	p6	p7	p8	p9	p10	p11	p12
Current Assets												
LA Debtors	142,532	37,132	22,716	200,360	95,239	39,793	156,556	89,091	50,693	179,175	201,188	82,108
Other Debtors	-33,207	-16,873	-45,045	-38,350	-1,751	-1,751	-455	-6,429	-4,128	-44,853	-23,355	-22,115
VAT												
Cash and Bank	555,403	608,869	551,221	564,281	619,074	527,732	576,398	565,636	602,379	528,390	655,225	741,552
Total	664,728	629,128	528,892	726,290	712,561	565,774	732,499	648,298	648,944	662,711	833,058	801,545
Current Liabilities												
Trade Creditors	87,153	72,233	45,972	65,438	56,871	0	35,050	0	24,941	0	31,406	34,898
Other Public Bodies												
Other Creditors	-10,152	-57,359	-171,244	798	-21,982	-126,060	30,423	-72,652	-78,665	-14,833	15,716	52,847
Total	77,002	14,873	-125,272	66,236	34,889	-126,060	65,473	-72,652	-53,725	-14,833	47,122	87,746
Net Current Laibilities	587,726	614,254	654,164	660,054	677,672	691,833	667,026	720,950	702,669	677,544	785,935	713,799
Long Term (Liabilities)/Assets												
NET ASSETS	587,726	614,254	654,164	660,054	677,672	691,833	667,026	720,950	702,669	677,544	785,935	713,799
Financed By:												
Reserves BF	600,559	600,559	600,559	600,559	600,559	600,559	600,559	600,559	600,559	600,559	600,559	600,559
Current Year Surplus	-12,833	13,695	53,605	59,495	77,113	91,274	66,467	120,391	102,109	76,985	185,376	113,240
TOTAL NET WORTH	587,726	614,254	654,164	660,054	677,672	691,833	667,026	720,950	702,669	677,544	785,935	713,799
	0	0	0	0	0	0	0	0	0	0	0	0

Appendix 8 – BLASJC Cash Flow:

CASH FLOW - BUS LANES	Apr-22 p1	May-22 p2	Jun-22 p3	Jul-22 p4	Aug-22 p5	Sep-22 p6	Oct-22 p7	Nov-22 p8	Dec-22 p9	Jan-23 p10	Feb-23 p11	Mar-23 p12
Opening Cash Balance	537,336	555,403	608,869	551,221	564,281	619,074	527,732	576,398	565,636	602,379	528,390	655,225
Decrease / (Increase) in LA Debtors	-127,837	105,400	14,416	-177,644	105,121	55,445	-116,763	67,465	38,399	-128,482	-22,013	119,080
Decrease / (Increase) in Other Debtors	30,487	-16,334	28,171	-6,694	-36,599	0	-1,297	5,975	-2,302	40,726	-21,498	-1,240
Decrease / (Increase) in VAT Debtor	0	0	0	0	0	0	0	0	0	0	0	0
Increase / (Decrease) in Trade Creditors	42,880	-14,921	-26,261	19,466	-8,567	-56,871	35,050	-35,050	24,941	-24,941	31,406	3,492
Increase / (Decrease) in other Public Body Creditors	0	0	0	0	0	0	0	0	0	0	0	0
Increase / (Decrease) in Other Creditors	85,370	-47,208	-113,885	172,042	-22,781	-104,077	156,483	-103,075	-6,013	63,832	30,549	37,131
Movement on Reserves	-12,833	26,528	39,910	5,890	17,618	14,161	-24,807	53,924	-18,282	-25,124	108,391	-72,136
Closing Cash Balance	555,403	608,869	551,221	564,281	619,074	527,732	576,398	565,636	602,379	528,390	655,225	741,552
	0	0	0	0	0	0	0	0	0	0	0	0

Appendix 9 – Small Bodies DRAFT Return – BLASJC:

Joint Committees Return for the financial year ended 31 March 2023

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

- Sections 1 and 2 are completed by the person nominated by the Joint Committee
- Section 3 is completed by the Joint Committee's internal audit provider.

Completing your return

Guidance notes, including a completion checklist, are provided on page 6 and at relevant points in the return.

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

Send the return, together with your bank reconciliation as at 31 March 2023, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to us, BDO LLP, by the due date.

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

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

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

Section 1 – Governance statement 2022/23

We acknowledge as the members of

Enter name of reporting body here:

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

Our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2023, that:

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

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

MINUTE REFERENCE

Date

Signed by:

Chair

Signed by:

Clerk

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

Section 2 – Accounting Statements 2022/23 for

Enter name of reporting body here:

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

	Year ending		Notes and guidance Please round all figures to nearest £1. Do not leave any boxes blank and reports £0 or Nil balances. All figures must agree to underlying financial records.
	31 March 2022 £	31 March 2023 £	
1 Balances brought forward	488,794	600,559	Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year.
2 (+) Income from local taxation and/or levy	—	—	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body. Excluding any grants received.
3 (+) Total other receipts	627,546	654,963	Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	—	—	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers)), pension contributions and employment expenses.
5 (-) Loan Interest/capital repayments	—	—	Total expenditure or payments of capital and interest made during the year on the body's borrowings (if any).
6 (-) All other payments	515,781	541,723	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7 (=) Balances carried forward	600,559	713,799	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8 Total cash and short term investments	537,336	741,552	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation.
9 Total fixed assets plus other long term investments and assets	—	—	The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings	—	—	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB)

I certify that for the year ended 31 March 2023 the accounting statements in the return present fairly the financial position of the Joint Committee and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

[Signature]

Date

[Date]

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

[Date]

and recorded as minute reference:

[Minute Reference]

Signed by Chair of meeting approving these accounting statements:

[Signature]

Section 3 – Annual internal audit report 2022/23 to

Enter name of reporting body here:

BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE

The Joint Committee's internal audit service provider, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2023.

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

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

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

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

Name of person who carried out the internal audit:

Signature of person who carried out the internal audit:

Date:

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

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

Guidance notes on completing the 2022/2023 return

1. Make sure that your return is complete (i.e. no empty red boxes), and is properly signed and dated. Avoid making any amendments to the completed return. But, if this is unavoidable, make sure the amendments are drawn to the attention of and approved by the body, properly initialled and an explanation provided to us. Returns containing unapproved or unexplained amendments will be returned and may incur additional costs.
2. Use the checklist provided below. Use a second pair of eyes, perhaps a member of the committee or the Chair, to review your return for completeness before sending it to us.
3. Do not send us any information not specifically asked for. Doing so is not helpful. However, you must notify us of any change of Clerk, Responsible Financial Officer or Chair.
4. Make sure that the copy of the bank reconciliation or letter confirming the balance held on your behalf which you send with the return covers all your bank balances. If the joint committee holds any short-term investments, note their value on the bank reconciliation. We must be able to agree your bank reconciliation to Box 8 on the Accounting statements. You must provide an explanation for any difference between Box 7 and Box 8.
5. Explain fully significant variances in the accounting statements on page 3. Do not just send in a copy of your detailed accounting records instead of this explanation. We want to know that you understand the reasons for all variances. Include a complete analysis to support your explanation.
6. If we have to review unsolicited information, or receive an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which we will make a charge.
7. Make sure that your accounting statements add up the balance carried forward from the previous year (Box 7 of 2022) equals the balance brought forward in the current year (Box 1 of 2023).

Completion checklist – No answers mean you may not have met requirements		Done?
All sections	All red boxes have been completed?	✓
	All information has been sent with this return?	✓
Section 1	For any statement to which the response is 'no', an explanation is provided?	✓
Section 2	Approval by the body confirmed by the signature of Chair of meeting approving the accounting standards?	✓
	An explanation of significant variations from last year to this year is provided?	✓
	Bank reconciliation as at 31 March 2023 agrees to Box 8?	✓
Section 4	An explanation of any difference between Box 7 and Box 8 is provided?	✓
	All red boxed completed by internal audit and explanations provided?	✓

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PATROL Adjudication Joint Committee

Date of Meeting: 11th July 2023

Report Title: Budget Monitoring Update for 2023-24

Report of: Laura Padden, Director PATROL

1. Purpose of Report

- 1.1. To report the Income and Expenditure position at 31st May 2023 (now combined for both PATROL and BLASJC) for the year 2023/24 in order to comply with the approved Financial Regulations.
- 1.2. To report the Reserves position at 31st May 2023 (now combined for both PATROL and BLASJC) against the approved Reserves levels in order to comply with the approved Financial Regulations.

2. Recommendations

- 2.1. To note the Income and Expenditure position at 31st May 2023 for the year 2023/24.
- 2.2. To note the Reserves position at 31st May 2023 against the approved Reserves levels.

3. Reasons for recommendations

- 3.1. To comply with the approved Financial Regulations.
- 3.2. To inform the Risk Register.

4. Background

4.1. At 31st May 2023 Income is £14,303 over budget (positive variance).

Expenditure is under budget by £135,692 (positive variance).

This results in a surplus to date of £217,356 against a budgeted surplus of £67,360 (a positive variance of £149,996)

Of this £217,356, £161,021 relates to PATROL with the balance being ring-fenced to National Highways (£43,463) and Halton Borough Council (£12,871).

The detail is provided at **Appendix 1**.

SUMMARY TO DATE				
	31/05/2023	31/05/2023	31/05/2023	31/05/2023
	Year to Date	Budget	Var to Budget	Var to Budget
Income	593,488	579,185	14,303	2.5%
Expenditure	376,133	511,825	135,692	26.5%
Surplus / (Deficit)	217,356	67,360	149,996	

Breakdown of Surplus

PATROL	161,021	37,766	123,254
Halton Borough Council	12,871	7,206	5,666
National Highways	43,463	22,388	21,076
	217,356	67,360	149,996

The savings in expenditure are explained by:

- Savings in Staff Costs due to unfilled vacancies. This totals around £33k.
- Savings in Supplies and Services due to review of overheads and unspent provisions for Legal Costs and Initiatives. This totals around £43k.
- The realisation of Bad Debts Provision of £57k for Debts which have subsequently been paid.

4.2. Reserves to date are summarised as follows:

	To Date	Budget	Var to Budget
Reserves b/f from 22/23	3,946,353	3,946,353	0
Surplus / (Deficit) for year 23/24 - YTD	217,356	67,360	149,996
Closing Balance	4,163,709	4,013,713	149,996
<i>Approved Reserves</i>	2,095,228	2,095,228	0
FREE Reserves to Date	2,068,481	1,918,485	149,996
less:			
NH balance to date	236,746	215,670	21,076
MG balance to date	64,931	59,265	5,666
PATROL FREE Reserves to date	1,766,804	1,643,550	123,254

At 31st May 2023 there is a Reserves balance of £4,163,709 giving a Free Reserves balance of £2,068,481 (against a budgeted balance of £1,918,485).

Of this FREE Reserves Balance of £2,068,481, £236,746 is ring-fenced to National Highways and £64,931 ring-fenced to Halton Borough Council. This leaves a balance of FREE Reserves to PATROL of £1,766,804.

4.3 Free Reserves (PATROL excluding ring-fenced amounts) were £834,167 at the end of 2019/20 (pre-Pandemic), and £242,353 for BLASJC. These combined gave a FREE Reserves balance of £1,076,520.

This combined balance is now £1,766,804 and shows that the losses incurred as a result of the Coronavirus pandemic, owing to reduced enforcement, have been fully recovered.

5. Implications

5.1. Finance

Assurance of financial health and therefore limited financial risk.

6. Risk Management

6.1 Assurance of financial health and therefore limited financial risk.

Appendix 1:

	Year to Date			
	31/05/2023	31/05/2023	31/05/2023	31/05/2023
	Year to Date	Budget	Var to Budget	Var to Budget
Income:				
PATROL *	290,840	276,625	14,215	5.1%
Bus Lane Income	98,515	103,907	-5,391	-5.2%
Road User Charging:				
RUCA (Dartcharge) - National Highways	108,358	121,854	-13,496	-11.1%
RUCA (Mersey Gateway) - Halton Borough Council	25,937	30,197	-4,259	-14.1%
Clean Air Zones	55,474	44,393	11,081	25.0%
LFV	0	10	-10	-100.0%
Bank Interest	8,180	2,200	5,980	271.8%
Sale of Assets	0	0	0	0.0%
Other Income	6,184	0	6,184	0.0%
Total Income	593,488	579,185	14,303	2.5%
Expenditure:				
Adjudicators	140,393	126,638	-13,755	-10.9%
Staff	201,648	234,398	32,750	14.0%
Premises / Accommodation	12,127	13,200	1,073	8.1%
Transport	2,457	8,750	6,293	71.9%
Supplies and Services	11,683	54,556	42,873	78.6%
IT	55,123	64,573	9,450	14.6%
Services Management and Support	8,890	8,890	0	0.0%
Audit Fees	683	820	137	16.7%
Bad Debts - movement on provision	-56,872	0	56,872	0.0%
Total Expenditure	376,133	511,825	135,692	26.5%
Surplus / (Deficit)	217,356	67,360	149,996	
	0	0		
Breakdown of Surplus	217,356	67,360	149,996	222.7%
PATROL *	161,021	37,766	123,254	326.4%
Halton Borough Council	12,871	7,206	5,666	78.6%
National Highways	43,463	22,388	21,076	94.1%

PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Review of Financial Documentation
Report of:	Laura Padden, Director PATROL

1.0 Purpose of Report

1.1 To request that the Committee approve the following documents:

- a. Financial Regulations 2023/2024 (enclosed)
- b. Scheme of Financial Delegation 2023/2024 (enclosed)
- c. Managers Expenses Policies 2023/2024 (enclosed)
- d. Staff Expenses Policies 2023/2024 (enclosed)
- e. Members Expenses Policies 2023/24 (enclosed)
- f. Expenditure Falling Outside the Financial Regulations (2022/23) (enclosed)

2.0 Recommendations

2.1 To agree to adopt the policies listed at 1.1 above.

3.0 Reasons for Recommendations

3.1 Required under the Joint Committee Financial Regulations.

4.0 Background

The following policies set out the principles by which PATROL will safeguard the assets of the Joint Committee.

a. Financial Regulations 2023/2024 (enclosed)

These Regulations lay down for the guidance of members and officers, principles to be followed in securing the proper administration of the Joint Committee's financial affairs and shall be reviewed by the Joint Committee on an annual basis.

b. Scheme of Financial Delegation 2023/2024 (enclosed)

Details the specific application of delegation from the Financial Regulations in terms of limits, authorisations and individuals / roles.

c. Staff Expenses Policies 2023/2024 (enclosed)

Detail the amounts that can be claimed for work related travel and subsistence.

Split into two policies:

Managers – over Grade 11

Staff – up to and including Grade 11

d. Members Expenses Policies 2023/24 (enclosed)

Details amounts that be claimed for travel to PATROL Committee Meetings.

e. Expenditure Falling Outside the Financial Regulations (2022/23) (enclosed)

Provides detail of Expenditure by Supplier that falls outside the Scheme of Financial Delegation specifically spend with any supplier where total spend is over £2,000 but where 3 written quotes have not been obtained and the reason why.

5.0 Implications

5.1 Finance

To adhere to the Financial Regulations.

6.0 Risk Management

To set a framework to adhere to the Financial Regulations and provide assurance of the processes and controls which safeguard the Committee's assets.

PATROL ADJUDICATION SERVICE JOINT COMMITTEE

FINANCIAL REGULATIONS

2023-24 DRAFT

1. General

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

Committee's Treasurer (the Lead Authority's S151 Officer), be referred by them to the Joint Committee. The Director and the Joint Committee Treasurer will determine whether the matter should be referred to Internal Audit. Further in a case where the

Director advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

2. Accounting Arrangements

- 2.1 The Statement of Responsibilities for the Statement of Accounts sets out the role of the Director and the Treasurer.
- 2.2 The Treasurer to the Joint Committee is the responsible Financial Officer for the purposes of the Annual Return.
- 2.3 The Director shall ensure that appropriate financial arrangements and procedures are in place on behalf of the Joint Committee in order that the Treasurer can be provided with the necessary accounting records.
- 2.4 The Director will make arrangements for the preparation and audit of annual accounts.
- 2.5 The Director will publish and make available a final accounts/audit timetable to member authorities following the annual meeting of the Joint Committee.
- 2.6 The Director, where applicable, shall be responsible for the submission of all claims for grant to Government Departments, or to the EU.

3. Banking Arrangements, Cheques and Purchase Cards

- 3.1 All arrangements with the Joint Committee's bankers, including the procedures for the ordering and safe custody of cheques and purchase cards, shall be made under arrangements approved by the Director.
- 3.2 All cheques drawn on behalf of the Joint Committee shall be signed by two named signatories on the bank mandate. Electronic payments require approval from two individuals, who must have been granted access to the online banking system by the online bank administrator (Central Services Manager).
- 3.3 There is to be a clear segregation of responsibility between the preparation of payments and the authorisation of payments.
- 3.4 Purchase card limits will be as set out within the Scheme of Financial Delegation.
- 3.5 All Card Holders will sign a Credit Card Undertaking form. The Credit Card Undertaking form sets out agreed procedures including storage, authorised users and record keeping requirements.
- 3.6 Only the Central Services Manager will be permitted to withdraw cash against their card and this will be authorised in advance by the Director.

- 3.7 Bank reconciliation will be undertaken on a monthly basis (within 30 days) and signed by two members of staff in accordance with the Bank Reconciliation Procedure with one signature being that of the Central Services Manager.

4. Revenue and Capital Budgets

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

5. Income

- 5.1 The collection of all money due to the Joint Committee shall be under the supervision of the Director.
- 5.2 All money received shall be without delay passed for payment to the Joint Committee's bank account.
- 5.3 The Director shall be furnished with information to ensure the prompt rendering of accounts for the collection of income.
- 5.4 Following year-end, where invoicing is based on estimates, the Director (delegated to the Central Services Manager) shall request a self-certification of penalty charge notices issued by authorities.
- 5.5 Any Debt unpaid after 90 days of issue will be provided for in the accounts as soon as it becomes 90 days old.

- 5.6 The Director shall report all bad debts to the Joint Committee for these to be provided for in accordance with the approved Bad Debt Policy. This report will include the cause of the bad debt and the recovering measures taken in accordance with the Debt Recovery Procedure.
- 5.7 Through regular budget monitoring reports, the Director will apprise the Joint Committee of variations in achieved income in order that the Joint Committee can take appropriate actions in a timely manner.

6. Borrowing and Investments

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

7. Orders and Contracts

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

8. VAT

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

9. Reserves

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

10. Equipment

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

11. Insurance

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

12. Risk

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

13. Internal Audit

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

14. External Audit

- 14.1 The Joint Committee will be asked to approve the appointment of auditors.
- 14.2 The Director will make such arrangements as are necessary to facilitate this audit.
- 14.3 The Director will ensure that External Auditors have right of access to such records and explanation as they require to complete the work undertaken.
- 14.4 Audit Reports will be presented to the Joint Committee.

15. Petty Cash

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

16. Expenses

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

17. Gifts and Hospitality Register

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

18. Declaration of Interest

- 18.1 All staff with financial responsibilities will be advised of their obligation to declare any interest on an annual basis. Members and Officers at each meeting will be provided with the opportunity to declare a pecuniary or non-pecuniary interest, where interests

arise, individuals will be asked to complete the Declaration of Interest Form in addition to the interest being minuted.

19. Anti-fraud, anti-corruption and whistleblowing

19.1 Compliance with these financial regulations is supported by policies and procedures in respect of anti-fraud, anti-corruption and whistleblowing. Where staff has concerns in this respect, they should approach their Line Manager, the Director or if they wish to speak to someone external to the organisation, they can contact Public Concern at Work which operates a confidential helpline 02074046609. Further advice and guidance can also be found on their website www.pcaw.co.uk. The Director will ensure that staff are aware of the relevant internal and external contact points in these circumstances.

20. Document Retention

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

21. Review and approvals

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



PATROL ADJUDICATION SERVICE JOINT COMMITTEE

Scheme of Financial Delegation

Contact Details: Laura Padden - Director
Version / Date: May 2023

Introduction

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

1 Budget Management

i) In year budget management

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

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

ii) Changing the Service budget in year

Manager	Budget Area	Approval Limit
Director	All	£25,000

iii) Planning future years budgets

Responsibility:	Director and Central Services Manager in conjunction with budget managers set out above
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2 Authorisations

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

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

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

EU threshold to £250,000	Follow EU tender rules initiated by the Director
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The primary budget holders may have authorised approvers within their teams who can approve up to £500 expenditure without budget holder approval on agreed budget areas.

Authorised Approver	Primary Budget Holder
Business Manager	Central Services Manager
Technology Manager	Stakeholder Engagement Manager
Appeals Manager	Director
Joint Committee Support Officer	Director / Stakeholder Engagement Manager
Democratic Services Manager	Director

ii) Purchase Cards

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

Stakeholder Engagement Manager	£5,000	Director or Central Services Manager
Director	£10,000	Director

iii) Imprest Accounts

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

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

3 Human Resources

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

Area of Delegation	Limit (Grade / £)	Designated Authorising Officers	Notes
	contract		
Authorise Redundancies/Early Retirements	Applies across all grades	Director in conjunction with Joint Committee and CEC	As above
Authorise Payments: <ul style="list-style-type: none"> • Staff Overtime Claims • Staff Expense Claims 	Where allowed within contract	Senior Manager for their department Senior Manager/Business Manager	As above
Authorise contractor/agency worker timesheets (or equivalent claims)	Grade 7	Senior Manager/Business Manager	As above

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

4 Management of Assets

Area of Delegation	Limit (£)	Designated Authorising Officers
Maintenance of Asset Inventory	>£100	Central Services Manager and Technology Manager
Authorising disposal of equipment or materials	≤ £5,000	Director
	> £5,000	Chair of Joint Committee
Authorising write off and / or disposal of IT hardware & software	≤ £5,000	Director

5 Banking and Income

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

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

i) On-line banking authorisations

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

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

Stakeholder Engagement Manager	No	Yes
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6 General Ledger

Area of Delegation	Limit (£)	Designated Authorising Officers	Notes
Journals	£350,000 in respect of income adjustments	Finance Manager Central Services Manager	Two signatures required
Additions, Changes and Deletions to Accounting Codes	£ 5,000 £25,000	Finance Manager Central Services Manager	
Amendments to budgeted amounts	All	Central Services Manager Director	

7 Performance Management

Responsibility for maintaining Performance Management System:	Director & Central Services Manager
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8 Risk Management

Responsibility for maintaining Risk Management System:	Director & Central Services Manager
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9 Insurance

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

10 Information Management

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

11 Building/Security

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

12 Other

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

13. Review

This scheme will be reviewed on an annual basis.

TRAFFIC PENALTY TRIBUNAL & PATROL
GUIDE TO MANAGERS EXPENSES & TIME CLAIMS
For Staff Grade 12 and upwards

2023/24 DRAFT

Introduction

It is recognised that from time to time, in the course of performing their duties, staff will be required to incur out of pocket expenses and work longer hours, for instance when attending meetings/conferences/events or training days.

This particularly applies to senior managers within the organisation who do not 'clock' within the flexi system but who may work irregular hours in a variety of locations.

This policy is to be applied to managers who are in a Grade 12 post or above, plus the Chief Adjudicator and Deputy Chief Adjudicator.

This policy is separate to the Home Working Policy.

Train Travel

All train travel is to be booked centrally via designated staff (unless unforeseen circumstances arise which mean travel has to be re-arranged).

When travelling on the London Underground evidence from your bank statement which shows TfL charges may be submitted instead of actual tickets or receipts, where you have used the card debit payment facility.

Air Travel

From time to time, it is more cost effective to fly than use other forms of transport.

A full cost comparison should be supplied for approval by the Director or Central Services Manager before a booking request is made. Where cheaper travel alternatives are available, the request for air travel will be refused.

Car Travel

Where a member of staff is Home Based, car travel to the office will be paid at the standard rate based on the mileage stated on the Working from Home Agreement.

HMRC rules require that the reimbursement of all such mileage is for a **valid business reason**. If you are unsure, you should check with the Central Services Manager to avoid non-reimbursement.

Travel to other locations must be based on the shortest route.

Where claims are to be made the Claimant must provide evidence on request of appropriate business insurance for the vehicle used, and a copy of the relevant MOT. This is an audit requirement.

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OCCASIONAL USERS	451 -999cc	1000cc+
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Car Hire

Car Hire is expected to be a last resort and should be approved by the Director in writing in ADVANCE. As with Air Travel, a full cost comparison must be supplied for consideration.

When hiring a car, the hire charge should exceed no more than £40 per day before any insurance or insurance waiver charges. Director approval must be sought if it is necessary to hire a vehicle that exceeds this charge per day. If the car hire period spans a weekend / bank holiday or other non-working day, line manager approval must also be sought.

Any charge due to damage that is not covered by insurance is the responsibility of the driver and will need to be repaid to the organisation.

Car Parking

Car Parking options and charges should be explored and the most cost effective rate sought.

Under NO circumstances will staff be reimbursed for any fines or penalties incurred.

Taxis

Taxis journeys are to be a last resort, and other forms of transport should be used where possible.

All taxi journeys must be accompanied by a receipt. Details of the pickup, drop off and reason for journey must be detailed on the expense claim.

Meals

Breakfast

If you are travelling before 7.30 a.m. to attend a meeting/event/training session, you may make a claim for breakfast up to a maximum of £5.00.

Light Refreshments

Claims for light refreshments are permissible on journeys of one hour or more if travelling to an event/external meeting/training session. Permissible claims include hot and cold drinks/light snacks.

Lunch

If you are away from the office for a whole day and lunch is not provided as part of the meeting/event you are attending, a claim can be made for lunch up to a maximum of £10.00. Alcoholic drinks are not permissible. Claims must be accompanied by an itemized, VAT receipt.

Evening Meal

If you are required to stay away from home overnight (see below), you may claim up to £35 for an evening meal. A valid detailed VAT receipt must be provided for any claim. Alcohol will not be reimbursed.

If your return journey is expected to be more than two hours AND your external meeting/event/training session ends at 6.00pm or later, you may claim up to £15.00 for a meal prior to departure or en-route if travelling by train.

Accommodation

All accommodation is to be booked centrally via designated staff and as far in advance as possible.

Accommodation cost will be within committee approved guidelines, and will endeavor to ensure a balance between hotel cost and the cost of travel between the hotel and venue.

Should you experience disruption during your journey which means that accommodation needs to be arranged at short notice, you should seek the approval of the Director should any deviation from this policy be required.

We recognise that this may not always be possible if travelling late in the day in which case you should arrange payment of any charges yourself and reclaim these back.

Miscellaneous Expenditure

All miscellaneous expenditure must be accompanied by a VAT receipt (this enables PATROL to reclaim any VAT due) and full details regarding the reason for the claim and event/external meeting/training session the expenditure relates to.

Examples of permissible miscellaneous expenditure include:

- Stationery (whilst at conferences etc)
- Wireless connectivity (on trains or in hotels)
- Toll charges (Detail which toll on claim form)
- Tea/Coffee/Milk for office

Purchasing off the internet

It is recognised that from time to time staff may need to make small purchases from an Internet Store, for office use. Examples of this would include stationery or IT consumables. Purchases above £50.00 must be approved in advance by the Director or Central Services Manager.

The organisation AMAZON account should be utilized wherever possible.

All items claimed for must be supported by a VAT receipt.

Gifts and Hospitality

Please refer to the separate Policy.

Approval

All Hotel and Travel bookings **MUST** be made centrally.

Where exceptional circumstances apply (for example due to disrupted travel) the member of staff must pay for additional costs themselves and claim back via an Expenses Claim Form.

Hotels and Travel must **NOT** be paid for via an Organisational Credit Card. The **ONLY** exception to this is where the item is of a large value and the Director has approved the expenditure in writing in advance against a PATROL Credit Card to ensure that the member of staff is not disadvantaged by the cost, or where there has been unexpected disruption to travel plans.

The Director reserves the right to refuse reimbursement of expenses.

Expenses falling outside these guidelines

Where you are aware in advance of expenses that will fall outside these guidelines, please raise with the Director before your trip/purchase. Where unanticipated expenditure arises, please raise with the Director on your return. An itemised, VAT receipt must accompany claim otherwise the expenditure will not be reimbursed.

Claiming expenses

Claims should be submitted using the most up to date standard claim form to the Finance Team as soon as possible and certainly no later than 3 months following the expenditure.

Claims received by 12pm Wednesday will be paid the same day by electronic transfer, to be received by the claimant on the Friday of the same week.

First time claimants will need to provide their bank account details (sort code, account number, account holder name).

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However, as part of our commitment to Wellbeing, we do not expect any member of staff to work hours longer than an average of 37 hours per week (if on a full-time contract). This includes travel time.

You must make your manager aware if this happening on a regular basis. Any hours worked outside the standard day (07:00 to 18:00) can be classed as TOIL and added to your balances with approval from your manager.

When attending events such as conferences, you should agree in advance with your manager how much time can be claimed for the event and added to your balances.

GUIDELINES FOR CENTRAL BOOKING STAFF / FINANCE:

Train Travel

Should be:

- Standard class except where a first class ticket is equivalent or cheaper.
- Booked as far in advance as is practically possible to ensure that the best fare is obtained
- The outward journey should be on a specific train time
- Where possible, the return journey should also identify a specific train time but it is recognised that in some circumstances this will not always be possible
- Underground tickets can either be bought centrally, or reimbursement claimed using the above expenses process.

All train travel is to be booked centrally (unless unforeseen circumstances arise which mean travel has to be re-arranged).

Air Travel

Should be:

- Approved in advance by the Director or Central Services Manager following a full cost comparison

Car Travel

Should be:

- Authorised by the Director in advance, where not the approved Home to Office journey
- Based on the most direct route and will be assessed against AA route finder or similar
- The driver must provide evidence on request of appropriate business insurance for the vehicle used.

The current rates for mileage are:

	Engine size	Engine Size
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- The hire charge should exceed no more than £40 per day before any insurance or insurance waiver charges.
- Director approval must be sought if it is necessary to hire a vehicle that exceeds this charge per day.
- If the car hire period spans a weekend / bank holiday or other non-working day, Director approval must also be sought in advance in writing.

Any charge due to damage that is not covered by insurance is the responsibility of the driver and will need to be repaid to the organisation.

Car Parking

Car Parking options and charges should be explored and the most cost effective rate sought.

Under NO circumstances will staff be reimbursed for any fines or penalties incurred.

Taxis

Taxis should be used as a last resort, where alternative public transport routes are not available. All taxi journeys must be accompanied by a receipt. Details of the pickup, drop off and reason for journey must be detailed on the expense claim.

Meals

Breakfast

- Before 07:30 am
- Maximum £5.00
- Not to be claimed where included in Hotel Booking

Light Refreshments

- Allowed on journeys of longer than one hour
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Lunch

- When away from the office for a whole day
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- If away from home up to £35.00 per night
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TRAFFIC PENALTY TRIBUNAL & PATROL
GUIDE TO MANAGERS EXPENSES & TIME CLAIMS
For Staff Grade 12 and upwards

2023/24 DRAFT

Introduction

It is recognised that from time to time, in the course of performing their duties, staff will be required to incur out of pocket expenses and work longer hours, for instance when attending meetings/conferences/events or training days.

This particularly applies to senior managers within the organisation who do not 'clock' within the flexi system but who may work irregular hours in a variety of locations.

This policy is to be applied to managers who are in a Grade 12 post or above, plus the Chief Adjudicator and Deputy Chief Adjudicator.

This policy is separate to the Home Working Policy.

Train Travel

All train travel is to be booked centrally via designated staff (unless unforeseen circumstances arise which mean travel has to be re-arranged).

When travelling on the London Underground evidence from your bank statement which shows TfL charges may be submitted instead of actual tickets or receipts, where you have used the card debit payment facility.

Air Travel

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**PATROL (Parking and Traffic Regulations Outside London) and Bus Lane
Adjudication Service Joint Committee**

Commented [EM1]:

**GUIDE TO MEMBERS CLAIMING TRAVEL EXPENSES
2023-24**

Introduction

It is recognised that local authorities face increasing budgetary pressures. In order to promote engagement with the Joint Committees, PATROL will meet the travel costs associated with attending meetings [of the Executive Sub Committee](#) which take place between the annual meetings. It is anticipated that member authorities will continue to fund the costs associated with Councillors (main representative or substitute) attending the Annual Meeting.

Train Travel

~~Joint Committee~~ Meetings [of the Executive Sub Committee](#) are generally held in London, [although there is a trial to taking place to hold meetings more centrally in Birmingham](#). All train travel should be booked standard class except where a first class ticket is equivalent or cheaper. Trains should be booked as far in advance as is practically possible. The outward journey should be on a specific train time. Where possible, the return journey should also identify a specific train time but it is recognised that in some circumstances this will not always be possible. Original travel tickets will act as a receipt when reclaiming expenditure.

Commented [EM2]:

Travel to railway station

Public transport or mileage claims may be made in respect of the journey from home to the railway station. The mileage rates are as follows:

	Engine size	Engine Size
OCCASIONAL USERS	451 -999cc	1000cc+
Per mile first 8,500	46.9p	52.2p
Per mile after 8,500	13.7p	14.4p

Alternative travel

[Councillors wishing to make alternative travel to meetings, for example travelling by car then the claim should be lower or the same as what it would cost if travel was by train/tube will be capped at the price of a standard train ticket.](#)

[It is also an audit requirement that claims cannot be processed without evidence of a current MOT and evidence that business travel is covered on the claimant's car insurance.](#)

Claiming expenses

Claims should be submitted to the Finance Team using the attached claim form as soon as possible and no later than 3 months following the expenditure.

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

Review

This policy will be reviewed on an annual basis by the Joint Committee's Resources Working Group and Sub Committee who will make a recommendation to ~~the Joint Committee's~~ the Joint Committee at its annual meeting in July.

Expenditure Falling Outside the Financial Regulations (2022/23) - Financial Year 22/23:

Supplier	Financial Year 22-23	Comment
Nabarro / CMS Cameron McKenna	245,398.25	Specialist Counsel Advice for Adjudicators
Resolver Consultancy	192,970.18	Knowledge Base - System development
Duckworth / Amped	77,509.69	Specialist communications consultancy.
Iomart Hosting Ltd	29,549.98	Ongoing commitment - server hosting (IT). Previously known as Melbourne Hosting
Forrest Recruitment	29,117.23	Temp Resource and Recruitment. Best candidates.
Ring Central	14,659.20	Ongoing Commitment - PC Phone System
Amazon/AWS	12,364.90	Data Storage - ongoing commitment
Softcat	12,283.47	IT Support - ongoing
Southern Communications	12,066.79	Mobile Comms - all staff
Edith Deacy	10,702.32	Exec Support
Critical/Fusemail	8,055.36	Knowledge Base (IT support)
Live Chat	7,940.18	On Line Customer Service Tool
SMC Premier Cleaning	6,884.69	Ongoing contract. To seek comparable quotes in 23/24
Windsor Telecom	6,627.95	0800 number provision
Post Office	5,963.60	Outward postage
Gardner Systems	5,822.28	Network provision and Support - ongoing
Microsoft	5,286.64	MS TEAMS - Hearings and Meetings
Softworks	5,091.15	HR database and time recording system
Trainline	4,928.55	Online centralised booking for travel.
BDO	4,920.00	External Audit - Allocated
Littleton Chambers	4,800.00	Specialist Legal Advice - Tribunal
Adobe	4,235.14	Reporting Tool
Premier Inn	4,171.32	Preferred Venue for Hotel Stays - London
EDF Energy	3,570.20	Energy contract
Bitesize	3,294.81	OnLine training for staff
Iain Worrall - staff	3,061.83	Travel to workshops etc, best price sought
Cision	2,838.00	Media Monitoring
House of Commons	2,549.94	Preferred Venue
Active Documents	2,514.00	Ongoing Support
Leslie Cuthbert	2,441.28	Judicial College Trainer for Adjudicators
Claranet	2,440.44	Domian Registrar - cost reduced for 23/24
Freshworks	2,399.77	IT ticket management and workload planning
Duo Security	2,319.54	2 factor security for FOAM
4tech	2,289.60	Internet for Office - limited number suppliers

PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Review of Systems and Infrastructure
Report of:	Laura Padden, Director PATROL

1.0 Report Summary

To consider a report requesting approval of funds from the Technology Reserve to review the systems and infrastructure of the organisation.

2.0 Recommendations

That the Joint Committee approve a drawdown of up to £75,000 to support an IT infrastructure review as detailed below.

3.0 Reasons for Recommendations

Required under the Joint Committee Financial Regulations and to comply with the approved Reserves Policy Statement, approved at Executive Sub Committee held on 24th January 2023.

4.0 Background

As an organisation we regularly receive requests for information regarding our IT credentials and security. In discussion with our insurer, we are also aware that threats to data security (especially data held on public sector databases) are heightened currently.

Our Appeals Management System (FOAM) went live in 2016 and since then we have added many new features and other applications to support the work that we do. We hold very little in terms of Highly Sensitive Data, and therefore a breach and data loss would be unlikely to result in high risk to individuals. However, an incident which caused our service to be disrupted or halted would be detrimental both in terms of public access to the tribunal, and also the reputation of both PATROL and the tribunal. Additionally,

evidence shows that ransom incidents with the threat of system outage are more likely in the public sector than data theft.

We are confident that our security is robust, well documented and that we adhere to all regulations concerning our systems. We would, however, like to explore gaining accreditation which will demonstrate externally all the controls that we have in place whilst also considering any further developments which may be available to us to further strengthen our systems and reduce the impact of any incident. Evidence shows that 40% of severe cyber-attacks resulted in at least 8 hours downtime.

We would therefore like to seek approval from the Joint Committee to draw down from the Technology Reserve in 2023/24. This reserve is a specific reserve set aside to '*Support further improvements to our IT structure*' and was approved at the January meeting to the value of £312,728. We intend to request approval for an initial drawdown of £75,000 to support this initiative, with any further drawdowns being proposed for approval separately at subsequent meetings.

5.0 Implications

5.1 Finance

To adhere to the Financial Regulations.

6.0 Risk Management

To inform the Risk Management Framework.

PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Review of Governance Documentation
Report of:	Laura Padden, Director PATROL

1. Purpose of Report

1.1. This report presents governance documentation and arrangements for review.

2. Recommendations

2.1. To note the Schemes of Delegation to the Chief Adjudicator and Director which remain unchanged with the exception of the removal of any reference to the Bus Lane Adjudication Service Joint Committee attached as appendix one.

2.2 To appoint persons to fulfil the function of the proper officer under the relevant regulations attached as appendix two.

2.3 To review and approve the Memorandum of Understanding between the Adjudicators and the Joint Committee attached as appendix three.

3. Reasons for Recommendations

3.1 To fulfil the governance requirements of the Joint Committee.

4. Background

4.1 In accordance with the functions of the Joint Committee, this documentation is to be reviewed on an annual basis.

5. Implications

5.1. Legal

5.1.1 Appointment of the Proper Officer will ensure compliance with the relevant regulations. As the MOU document is not a unilateral agreement, the Joint Committee cannot make any changes without agreement from the Tribunal,

6.1. Finance

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

7.1 Risk Management

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

Appendix One

PATROL ADJUDICATION JOINT COMMITTEE

Delegation to Chief Adjudicator

1. With the consent of the Lord Chancellor, the making of the Part-time Adjudicator appointments, for a period not exceeding 5 years. Such appointments to be sufficient to meet the needs of the service, as appropriate. With the consent of the Lord Chancellor, to extend these appointments to enable those Adjudicators to act within the areas of any Council which in future becomes party to the Joint Committee arrangements, as appropriate.

2. The determination of the terms and conditions applying to adjudicators, having regard to principles established for such judicial appointments and conduct by the Lord Chief Justice and Lord Chancellor.

3. The determination of where Adjudicators shall sit.

4. To obtain such legal advice and representation necessarily required for the adjudicators to perform their functions and to arrange for defence of any legal proceedings arising from the exercise of those functions, including the instruction of Counsel.

5. To conduct and approve press and media relations relating to the Traffic Penalty Tribunal, including press conferences, publicity and public relations and Tribunal information and publications.

6. Promotion of the Traffic Penalty Tribunal.

PATROL ADJUDICATION JOINT COMMITTEE

Delegations to the Director

Introduction

In this document the Director means the person appointed by PATROLAJC as their Director, being Laura Padden.

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

“Lead Authority” means Cheshire East Council.

Pursuant to Clause 5.1 of the Service Level Agreement dated 24th January 2023 between the Joint Committee and the Lead Authority, the Lead Authority and Joint Committee shall delegate certain functions to the Director. This Scheme of Delegation delegates those functions.

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

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

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

1.General

1.1 To expedite all necessary arrangements for the support of the Adjudicators for the performance of their functions under Part 6 of the Traffic Management Act 2004 and the Transport Act 2000 and in accordance with the Memorandum of Understanding between the Adjudicators and the Joint Committee.

1.2 To carry out or arrange for the carrying out of any functions conferred on the Lead Officer by virtue of the Joint Committee's Standing Orders and Financial Regulations.

1.3 To make necessary arrangements for the administration of the Joint Committee and its Advisory Board including:

- receiving notifications from Participating Authorities that the appointment of their representative has terminated and the identity of their replacement representative,
- receiving notifications generally sent to the Lead Officer under the deeds under which the Joint Committee operates, namely the Parking and Traffic Regulation Outside London Adjudication Joint Committee deed dated 24th January 2023 between the participating authorities to the Parking and Traffic Regulation Outside London Adjudication Joint Committee.

2.Financial

Subject to compliance with the Joint Committee's Financial Regulations

2.1 To negotiate for the supply of goods, services, materials and equipment, subject to a limit of £250,000 per contract. Acceptance of other than the lowest tender, with the consent of the Joint Committee within than limit. Contracts above £250,000 may only be negotiated with formal consent from the Joint Committee.

2.2 To prepare reports to enable the Joint Committee to:

- Approve an annual budget by 31 January each;
 - To defray the expenses of the Joint Committee;
 - To monitor the budget;
- Approve final accounts and
- Review internal and external audit recommendations.

2.3 Subject to the consent of the Joint Committee's' Treasurer:

- a)To write off debts which are irrecoverable or losses due to burglaries, break-ins etc.
- b)To write off or make adjustments in respect of deficiencies or surpluses of stock, equipment etc.

2.4 In consultation with the Chair or Vice Chair of the Joint Committees to authorize the withdrawal of funds from reserves to meet budgetary deficits or other requirements as approved by the Joint Committee.

2.5 To prepare, in consultation with the Joint Committee's Treasurer a Reserves Policy and Treasury Management Policy for approval by the Joint Committee.

2.6 To review annually, in consultation with the Joint Committee's Treasurer the Joint Committee's Financial Regulations.

2.7 To be responsible for Capital Investment bids for the refurbishment of property, changes in office layout, replacement of lifts, hearing, information technology and other equipment and plant.

2.8 Determination of ex-gratia claims for damage to, or loss of, personal property subject to the consent of the Joint Committee for claims in excess of £1,000.

2.9 Disposal of surplus or obsolete equipment, scrap etc (except vehicles) to the highest tenderer.

3.Land and Property

3.1 To identify property requirements to meet the needs of the Adjudicators and the staff of the Joint Committee.

3.2 To liaise with Property Services of the Lead Authority to negotiate Heads of Terms and the Lease for such property.

3.3 To arrange for the routine repair, maintenance and alteration of the offices. The Lead Authority as the Lease Holder will be consulted concerning any structural changes to the offices during the period of the lease and their prior agreement obtained unless the Joint Committee provides an indemnity in a form approved by the Lead Authority's Head at Legal Services against any liability incurred as a result of the works.

3.4 To take all necessary measures to prevent vandalism of buildings belonging to or under the control of the Joint Committee.

3.5 To grant permission to elected members or officers of Participating Authorities or representatives of the Joint Committee to enter any land or buildings occupied by the Joint Committee to which the public do not have access or to which such members, officers and representatives do not regularly have access subject to such conditions, if any, as she or he considers appropriate

4.Miscellaneous

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

5.Human Resources

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

5.1 To take necessary steps (including advertising, job evaluation etc) to fill posts and where this departs from Cheshire East Council's standard policies and procedures, to raise this matter with the council and the Joint Committee or its Executive or Resources Sub Committee to identify an agreed way forward.

5.2 To fill vacant posts within approved establishments except Adjudicator posts.

5.3 To determine applications for paid and unpaid maternity/paternity leave.

5.4 To determine casual or essential car users allowance to officers.

5.5 To determine the payment of removal expenses, lodging allowances or travelling allowances but in consultation with the Chair or Vice Chair of the Joint Committee where such payments fall outside the Joint Committees agreed policy.

5.6 To determine proposals to attend training courses except where absence is required for more than 10 days or where Joint Committee expenditure involved is in excess of £6,000, in which cases subject to consultation with the Chair or Vice Chair of the Joint Committee.

5.7 To assign temporary posts which are for a period of not exceeding 12 months.

5.8 To grant acceleration of increments for any staff within their substantive grade for merit and ability.

5.9 To determine paid and unpaid special leave.

5.10 Subject to the agreement of the Joint Committees to assign additional posts at grades up to and including Grade PO 6 or equivalent in categories of posts where there is already an agreed job description and a grade fixed for the post.

5.11 To determine requests or recommendations for honoraria (subject to reporting every honoraria payment made to the Joint Committee), gratuities and responsibilities allowances, except those relating to the Director.

5.12 To determine applications for paid and unpaid leave – to include the following:

a) For trade union training

- b) For health and safety training
- c) For paid leave for an employee to discharge his/her duties of office of President of a Trade Union
- d) For personal or domestic reasons
- e) For maternity or paternity leave
- f) For the use of part or frozen leave entitlement where there are urgent personal or domestic reasons for needing additional paid leave.

5.13 Where appropriate, the determination of extensions of payments to employees in relation to sickness.

5.14 Determination of extensions of service except that of first and second tier officers.

5.15 Determination of planned overtime for officers.

5.16 Determination of applications for early retirement in consultation with the Lead Authority's Head of Personnel and the Joint Committee and with the Lead Authority unless the Joint Committee provides an indemnity in a form approved by the Lead Authority's Head at Legal Services against any liability incurred by the Lead Authority as a result of the decision.

5.17 To discipline, suspend and/ or dismiss staff.

5.18 Authority to assimilate staff on appointment, promotion or regarding where s/he thinks appropriate within the approved grade having regard to all circumstances.

5.19 The Director may not exercise any of the powers in this paragraph 5 if to do so would confer a benefit on the Director.

6.Support to the Joint Committee and Advisory Board

6.1 To convene meetings of the Advisory Board and keep the attendance record of such meetings in accordance with the Terms of Reference agreed by the Joint Committee.

6.2 To convene meetings and arrange for the preparation of agendas and reports, sending out of the same and giving notice of the meeting of the Joint Committee and any Executive Sub Committee, Sub Groups or Working Groups including:

- Receiving requisitions for meetings
- Receiving notices of items for agendas from Participating Authorities
- Receiving notifications from deputations
- Cancelling or postponing any meeting in consultation with the chair prior to the issue of the agenda or subsequently if there is no business to be transacted or in other exceptional circumstances
- Receiving notification of a Participating Authority's substitute for a meeting
- Arranging for the minutes of the meeting to be taken

[Note: for the avoidance of any doubt the Lead Officer will also be able to convene meetings of the Joint Committee]

6.3 To deal with urgent business of Joint Committee after consulting the Chair or Vice Chair.

6.4 Record declarations and matters of interest of Joint Committee Members and Officers.

6.5 (a) To arrange for the giving of advice and support to the Joint Committee in legal matters. Where external advice is sought which will also affect the Lead Authority written instructions will be provided to the lawyers and those instructions will be agreed with the Head of Legal Services of the Lead Authority.

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

6.6 In agreement with the Head of Legal Services, where it will affect the Lead Authority, to defend all claims made against the Joint Committee and take preliminary steps to protect the rights and interests of the Joint Committee.

6.7 To hold documents and provide or refuse access to Joint Committee documents and information in accordance with the provisions of law including carrying out the function of the proper officer under section 100F(2) Local Government Act 1972. For the avoidance of doubt, this does not include documents held by the Traffic Penalty Tribunal in pursuance of the Adjudicators' procedural regulations.

6.8 To instruct the Lead Authority to prepare Memorandums of Participation to enable councils undertaking civil parking or bus lane enforcement to join the respective Joint Committee.

6.9 Receiving notifications from Participating Authorities that they wish to withdraw from participation in the arrangements of the Joint Committee.

7. Legal

7.1 To prepare and arrange for the entering into of contracts and the execution of documents on behalf of the Joint Committee where the total value of the goods and services does not exceed the amount of the EU threshold and where there is no requirement for the contract to be sealed.

7.2 In consultation with the Head of Legal Services, where appropriate, to arrange for the assignment of a contract or the approval of the appointment of a sub-contractor.

APPENDIX THREE

MEMORANDUM OF UNDERSTANDING

1. Introduction

This Memorandum of Understanding (MOU) is between:

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

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

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

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

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

2. Shared Aims

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

3. Overriding Principles

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

4. The Statutory Framework

- 4.1 The relationship between the adjudicators and the Joint Committees is derived from and governed by the Traffic Management Act 2004 (TMA) and Transport Act 2000 (TA) and the regulations made under those two Acts which:
 - a) establish the office of adjudicator for parking, bus lane, moving traffic and road user charging appeals.
 - b) prescribes the roles and responsibilities of the adjudicators and the Joint Committees

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

- a) section 81 of the Traffic Management Act 2004 (TMA) and Regulations ~~17 and 19 and 48~~ of ~~the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022~~~~The Civil Enforcement of Parking Contraventions (England) General Regulations 2007~~ (the English General Regulations);
- b) section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
- c) Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).

These functions are exercised through PATROL in accordance with Regulations ~~17 and 46-19~~ of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

~~4.3 BLASJC has been established to enable councils in England undertaking civil enforcement of bus lanes to exercise their function under Regulation 11 of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (the Bus Lane Regulations)."~~

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

~~4.44.3~~ The functions of PATROL ~~and BLASJC are:~~

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

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

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

The Joint Committee's' functions also include:

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

~~4.54.4~~ The Regulations also provide that:

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

5. Chief Adjudicator

5.1 In order to create and preserve the actual and transparent independence of the adjudicators, the Joint Committees shall designate one of the adjudicators to take the role of Chief Adjudicator, thus acting as the judicial head of the tribunal. Like all adjudicators, the Chief Adjudicator enjoys judicial independence.

5.2 There is no statutory provision for a President or Chief Adjudicator. Nevertheless, the Joint Committees and the adjudicators have agreed:

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

It is also for the Chief Adjudicator:

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

6. Salaried Adjudicators

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

7. Judicial Leadership, Management and Discipline Functions

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

8. Removal of Adjudicators

8.1 An Adjudicator may only be removed from office for misconduct or if unable or unfit to discharge his or her functions (s 81 (2) (d) Traffic Management Act 2004.

8.2 The procedure for removal is specified in the Adjudicators' terms of appointment and has been delegated by the Joint Committees to the Chief Adjudicator.

9. Appeals and Judicial Matters

9.1 Appeals are made to the Adjudicators and are their responsibility. They have a duty to ensure that appeals are dealt with in accordance with the requirements of Article 6 of the European Convention on Human Rights for a fair and public hearing within a reasonable time.

9.2 Judicial matters are entirely the responsibility of the Chief Adjudicator to determine.

These include:

- a) Monitoring and appraisal of adjudicators' competencies
- b) Adjudicator Training
- c) Dealing with judicial complaints and discipline
- d) Allocation of cases

9.3 The following are also matters for the Chief Adjudicator to determine:

- a) Administrative procedures
- b) Training requirements for Adjudicators
- c) Communications strategy

9.4 The Joint Committees would expect to be consulted to the extent that 9.2 have budgetary implications.

9.5 The Chief Adjudicator may delegate functions for the expeditious operation of the tribunal.

10. Lead Officer

10.1 The PATROLAJC and BLASJC Agreements make provision for the appointment of a Lead Officer to whom functions are delegated pursuant to that Deed of Arrangement and the Standing Orders of the Joint Committees.

10.2 In view of the nature of the relationship between the Adjudicators, Joint Committees and the Lead Authority, the expectation is that the Joint Committees will request the Chief Executive of the Lead Authority to nominate the Head of Service as Lead Officer who amongst the functions delegated to the role will be expected to:

- (a) Be responsible for the administration of the Joint Committees and the Traffic Penalty Tribunal and provide for the Adjudicators on behalf of the Joint Committees, the accommodation, administrative staff and facilities. The Lead Officer has no remit to influence the decisions of the Adjudicators.
- (b) Be responsible for ensuring that the Adjudicators' requirements as set out in the Memorandum of Understanding with the Joint Committees are met within the Financial Regulations of the Joint Committee.
- (c) Work in partnership with the Chief Adjudicator to ensure the vision, aims and objectives of the tribunal are achieved.

- (d) Provide strong and strategic leadership to manage the support function for the Adjudicators to deliver an efficient service that ensures all appeals are held within legal requirements and performance criteria.
- (e) Manage the Service Level Agreement with the Lead Authority on behalf of the Joint Committees.

11. Accommodation, administrative staff and facilities

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

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

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

These functions are delegated to the Joint Committee's^{ss} Lead Officer in consultation with the Chief Adjudicator.

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

12.0 Defraying the expenses of the Tribunal

- 12.1 The Joint Committees ~~is~~are responsible for defraying the expenses incurred in the Adjudicators performing their functions.

- 12.2 Consequent upon the duty specified in paragraph 12.1, the Joint Committees ~~is~~are responsible for:

- a) approving the budget for the tribunal and determining the contribution for member authorities.
- b) financial control, management and monitoring

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

13. Advisory Board

- 13.1 The Joint Committee's^{ss} Standing Orders provide for the Joint Committees to establish and appoint an Advisory Board comprising such officers and persons appointed by the Joint Committees to advise them on their functions.

- 13.2 The purpose of the Advisory Board is to assist and advise the Joint Committees on the overall policies and strategies for administering the adjudication service and on their responsibilities under the TMA, the English General Regulations, the Welsh General Provisions Regulations, the Bus Lane Regulations and the Road User Charging Regulations.

- 13.3 The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.

- 13.4 The diversity of membership of the Advisory Board including judicial expertise and consumer representation strengthens the scrutiny function it performs which is of mutual benefit to the Adjudicators, the Joint Committees and Lead Authority.

14.0 Lead/Host Authority

- 14.1 The Joint Committees ~~is~~are not made body corporate by statute however the Joint Committees ~~are entities~~ is an entity recognized in law as ~~ones distinct~~ one distinct from ~~their~~ its ~~members~~ members. The Joint Committees ~~itself~~ themselves may enter into contracts and also commissions services as required from time to time from one of its member councils referred to as the Host or Lead Authority.

- 14.2 The expectation is that the relationship between the Lead Authority and ~~both~~ the Joint Committees and the tribunal will replicate that of an arm's length body, with the Lead Authority providing services and advice as required.

- 14.3 The services provided by the Lead Authority, enabling the Joint Committees to provide the resources to the Adjudicators as identified in this Memorandum of Understanding, will be supported by a Service Level Agreement with the Joint Committees.

- 14.4 The period of tenure for the Lead Authority is five years.

15. Review Mechanism

- 15.1 The MOU will be reviewed by the Adjudicators and the Joint Committees on an annual basis. This review will inform the annual review of the service level agreement between the Joint Committees and the Lead Authority.
- 15.2 Should the Chief Adjudicator have any concerns about matters impacting upon the independence of the Adjudicators, this will be brought to the immediate attention of the Chairs of the Joint Committees and/or their Advisory Board.

CHIEF ADJUDICATOR ROLE

Introduction

The Chief Adjudicator's role is to recruit, lead and manage the Adjudicators with the aim of delivering a fair, timely and efficient adjudication service. In so doing, the responsibility of the Chief Adjudicator shall include the following:

1. Arrange the recruitment of an appropriate number of Adjudicators
2. Advise the Joint Committees on the removal of Adjudicators where necessary
3. Advise the Joint Committees on the reappointment of Adjudicators
4. Arrange appropriate induction and continuing training for Adjudicators, supplemented by appropriate guidance materials
5. Ensure the independence of Adjudicators
6. Monitoring, mentoring and appraisal of Adjudicators
7. Represent the Adjudicators in dealing with others, including:
 - i) The Joint Committees
 - ii) Government
 - iii) The press
8. Ensure proper rules of procedure and practices and promote consistency in their application.
9. Establish appropriate delegation in respect of the Chief Adjudicator and Adjudicator functions for the expeditious operation of the tribunal.
10. Ensure that administrative provision for Adjudicators is adequate and appropriate.
11. Deal with complaints against Adjudicators in accordance with the Adjudicators' Judicial Complaints Protocol, and other disciplinary matters
12. Provide guidance and support to individual Adjudicators
13. Deal with representation of Adjudicators in the event of a judicial review of their decision or other legal proceedings arising from the performance of their function.
14. Allocation of cases
15. On behalf of the Adjudicators, and in fulfillment of their obligation to the Joint Committees to report annually, author and present an annual report to the Joint Committees on the discharge by the Adjudicators of their functions with a view to its subsequent publication to the Secretary of State.
16. Keep the Joint Committee informed of all legal matters affective implementation and maintenance of the adjudication system.

APPENDIX B

FIGURATIVE REPRESENTATION OF THE ROLES REFERRED TO IN THE MEMORANDUM OF UNDERSTANDING

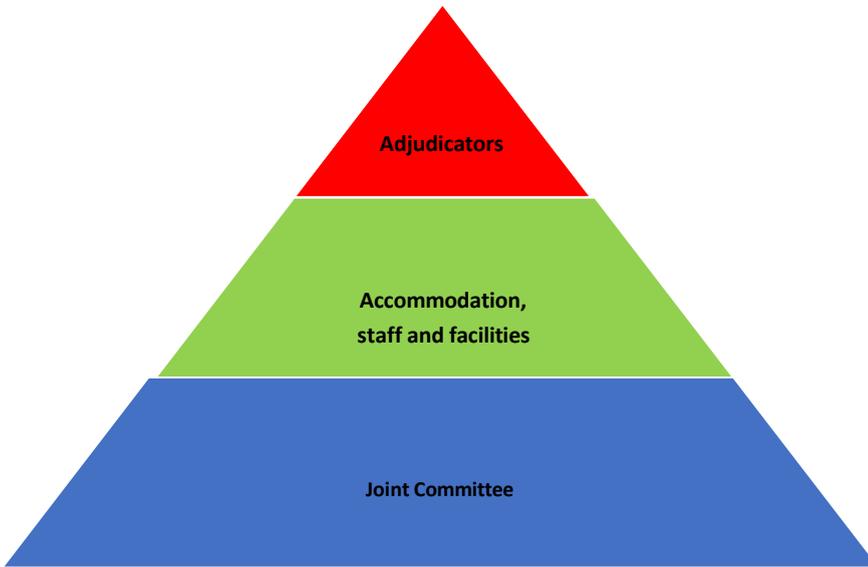


Fig 1. Provision of Services to Adjudicators

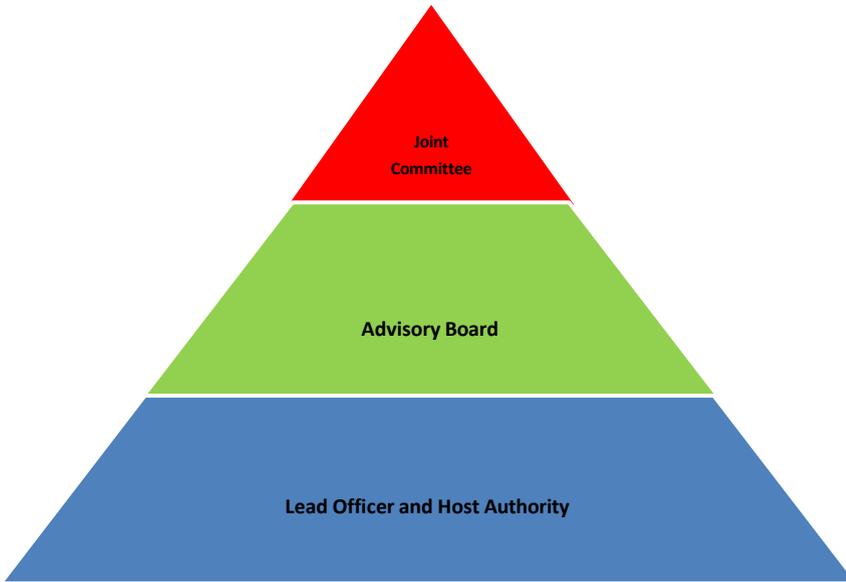


Fig 2. Governance Structure



Fig 3. Overview of Joint Committee Relationships

PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Risk Management Framework
Report of:	Laura Padden, Director PATROL

1. Purpose of Report

- 1.1. To provide the Executive Sub Committee with a summary of the most significant threats facing the Joint Committee which may prevent or assist with the achievement of its objectives.

2. Executive Summary

- 2.1 The report presents the current assessment of risk.

3. Recommendations

- 3.1. To note the current assessment of risk.

4. Reasons for Recommendations

- 4.1 To report on arrangements for identifying, managing and reporting risk.

5. Background

- 5.1 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 Committee or its Executive Sub Committee. 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.
- 5.2 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.

5.3 A strong risk framework:

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

5.4 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 5 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

5.5 Background to Corporate Risks:

5.6 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.

5.7 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
- Road User Charging (Dartford-Thurrock River Crossing, Mersey Gateway Bridge Crossing and Charging Clean Air Zones)

- Littering from vehicles

5.8 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 Adjudication Service Joint Committee 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.

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

6.0 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 Committee or its Executive Sub Committee.

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

7. Implications

7.1. Finance

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

8.1 Risk Management

8.1.1 Provides a framework for risk management.

Risk Register 2023/2024

Date Last Reviewed:	Jul-23
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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 ongoing, however this risk is being mitigated bringing in cross-assigned adjudicators from London.
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	8		This rating reduced from 10 to 8. This reflects the improvement in reserves balances and the easing of the financial pressures caused by the coronavirus pandemic. Whilst a degree of fluctuation remains, we continue to strictly monitor income and expenditure. There is also an anticipated increase in the volume of CAZ and Moving Traffic appeals throughout 2023/2024 . Important to note however that the losses suffered by the pandemic's effect on enforcement has to date been recovered. Whilst reserves are back to pre-pandemic levels there is a reliance on CAZ to mitigate risk which needs to be taken into account.

CR3	Loss of Data Integrity	<p>(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 adjudicated online.</p> <p>Potential breach of General Data Protection Regulations 2016 and Data Protection Act</p>	Director and Stakeholder Manager	9		<p>This rating remains unchanged - medium.</p> <p>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.</p> <p>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.</p>
CR4	Lack of Resource Planning	<p>(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.</p>	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 ongoing in the light of Clean Air Zones. Scalability modelling is also currently underway based on current forecasting data. Current information shows that appeals are not increasing at a significant rate where additional resources would be required. There are vacancies within the team and these could be filled as and when required. Short term indications imply that the situation is unlikely to change in the near future. Further to this proposals to work collaboratively with other tribunals are being investigated which means there is potential to call on additional resources if required should circumstances change.</p>

CR5	<p>Lack of preparation for business continuity</p>	<p>(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.</p>	<p>Central Services Manager & Stakeholder Engagement Manager</p>	<p>5</p>		<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>
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PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Establishment of the Executive Sub Committee
Report of:	Sarah Baxter, Democratic Services and Policy Manager

1. Purpose of Report

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

2. Recommendations

- 2.1. That the Joint Committee establishes an Executive Sub Committee to act on behalf of the Committee until its annual meeting in July 2024, in accordance with paragraph two and Appendix one of this report and that it appoints members of the Executive Sub Committee for the forthcoming year.
- 2.2. Notes the date of the first meeting of the Executive Sub Committee will be on 17th October 2023.
- 2.3. Notes that reasonable travel expenses may be claimed for attending Executive Sub Committee meetings in accordance with the policy at Appendix two.

3. Reasons for Recommendations

- 3.1. To enable the Joint Committee to conduct their business effectively.

4. Background

- 4.1. Members are aware that as each Council becomes a party to the PATROL Adjudication Service Joint Committee Agreement it is required to appoint a Member to represent their Council on the Joint Committee.
- 4.2. As the number of Councils joining the Joint Committee increases, one way of avoiding the need for large numbers of members attending all the committee meetings is to establish an Executive Sub Committee. The PATROL

Adjudication Service Joint Committee Standing Orders enables the Joint Committee to appoint such Sub Committees as it sees fit.

- 4.3** Any terms of reference for such Sub Committees need to be agreed by the Joint Committee as and when each Sub Committee is established.
- 4.4** Many of the day-to-day functions of the Joint Committee has already been delegated to officers. Some of the functions that have not been delegated have been examined and it is considered that if the Joint Committee so decides, an Executive Sub-Committee could deal with most of these non-delegated functions without the need for the full Committee to meet.
- 4.5** In particular there is a requirement for the PATROL Adjudication Service Joint Committee by 31st January each year to set a budget of estimated expenditure for the following year and to determine the amount of contribution of member Councils.
- 4.6** The functions recommended by officers for delegation to the Executive Sub-Committee is detailed in the Appendix to this report.
- 4.7** The size of the Executive Sub Committee is recommended by officers to comprise a minimum of 8 in number for PATROL, including the Chair of the Joint Committee and at least one each representing District, County, Unitary, Metropolitan councils and at least one from an English authority and one from a Welsh authority.

5. Implications

5.1. Legal

- 5.1.1** The PATROL Adjudication Joint Committee agreement makes provision for the establishment of sub committees.

5.2 Risk Management

- 5.2.1** The recommendations enable the Joint Committees to conduct their business effectively.

5. Financial

- 5.3.1** The recommendations reduce expenditure for the Joint Committee and the participating authorities.

PATROL ADJUDICATION SERVICE JOINT COMMITTEE
Executive Sub Committee Terms of Reference

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

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1. Financial Matters

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

2. Human Resources

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

3. Advisory Board

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

4. New Council members to the PATROLAJC Agreement

Noting new council members.

5. Ad hoc delegations

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

6. Chair of the Executive Sub Committee

The chair elected for the Joint Committee will assume the same position on the Executive Sub Committee.

POLICY FOR MEETING MEMBERS' TRAVEL EXPENSES

Introduction

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

Proposed Policy

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

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

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

Train Travel

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

Claiming expenses

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

Travel tickets may act as a receipt when reclaiming expenditure. Claims should be submitted as soon as possible and certainly no later than 3 months following the expenditure.

Contact details:

accounts@patrol-uk.info

or

Accounts PATROL
Merlin House
8 Grove Avenue Wilmslow
SK9 5EG

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

PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Report of the PATROL Resources Working Group meetings held on 22 nd September 2022 and 13 th December 2022
Report of:	Sarah Baxter, Democratic Services and Policy Manager

1. Purpose of Report

- 1.1. To report on the PATROL Resources Working Group meetings held on 22nd September 2022 and 13th December 2022.

2. Executive Summary

- 2.1. To provide a summary of the matters discussed at the 22nd September and 13th December 2022 PATROL Resources Working Group meetings.

3. Recommendations

- 3.1. To note the matters discussed at the meeting meetings.
- 3.2. 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 Committee or its Executive Sub Committee.

4. Reasons for Recommendations

- 4.1. To update the Joint Committee.

5. Background

- 5.1 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.

5.2 The Resources Working Group comprises the Chair of the Joint Committee and representatives from the Joint Committee's Advisory Board. The Resources Sub Committee comprises the Members.

5.3 At its meeting on the **22nd September 2022** the Resources Working Group were updated on the following: -

- a) Received a report for the Joint Committee meetings reviewing the income & expenditure & reserves for 2022/23 for PATROL and BLASJC;
- b) Received a verbal update from the Chief Adjudicator in which she summarised the work she had undertaken so far including appraising 18 out of the 20 adjudicators alongside further exploration of the potential to work collaboratively with other tribunals including the London tribunal. Further to this she gave an update in respect of ongoing Judicial Reviews, appeal volumes, case progression delays and statistical data in relation to average case closure times for cases received between 1 April 2022 and 18 August 2022.
- c) Received a Public Affairs Update which provided an update on CAZ, moving traffic powers, pavement parking and private parking code of practice;
- d) Received a draft report on Littering from Vehicles (LfV) seeking approval for the roll out of a web-based portal that would allow the issuing of penalty notice numbers and PINs as an authority subscription mode, in order to enable member authorities to make use of the 2018 Littering from Vehicles regulations. The Resources Working Group resolved to recommend to the Joint Committees endorsement of the recommendation contained within the report.

5.4 At its meeting on the **13th December 2022**, the Resources Working Group considered the following: -

- a) Reports for the Executive Sub Committee meeting including: -
 - Budget Monitoring Update 2022/23;
 - Reserves Policy Statement;
 - Annual Investment Strategy;
 - Revenue Budgets for 2023/24;
 - Defraying the Expenses of the Joint Committee.

In respect of the last report detailed discussions took place as to whether the PCN charge should be reduced from 30p to 28p. Concerns were raised that a 2p reduction would have a minimum impact. A number of proposals were put forward but ultimately the RWG felt that the PCN charge should remain at 30p which would allow the organisation further time to build up its reserves.

Officers would then have the opportunity to re-evaluate the financial position either mid-way through the year or in 12 months' time at whether or not the amount could be reduced by 5p. It was also suggested that included within the report there be information indicating the thoughts of officers regarding what the future reserves position might be. Erica Maslen, the Central Services

Manager advised she could include a table outlining what the situation would be if the status quo remained.

Further to this the RWG felt the report should also include information as to what the financial savings would be if the PCN amount was reduced to 28p for each authority depending on the number of PCNs issued.

- b) Reports relating to a number of governance matters including: -
- Amendments to the PATROLAJC and BLASJC Deed Agreements;
 - Amendments to the terms of reference for the PATROLAJC ESC, RWG and Advisory Board;
 - The urgent decision taken in relation to the appointment of adjudicators from the London Tribunal;
 - Appointments to the Advisory Board;
 - Risk Management Framework
- 5.5** The Chief Adjudicator, Caroline Hamilton, gave a verbal update in which she summarised the work she had undertaken so far in her new post, including: -
- Appraising all adjudicators;
 - Organising the adjudicator training session which had taken place in December and covered tribunal skills and the independent and impartial role of adjudicators;
 - Update on the ongoing Halton Judicial Review
- 5.6** In terms of the general progress report regarding appeal volumes she highlighted matters relating to general appeal trends pre and post pandemic, PCNs appealed (Year to Date) for the current year, against the same point last year, PCNs appealed in England and Wales, levels of enforcement and their relationship to the numbers of PCNs being appealed, between 2019/20 (pre pandemic) and 21/22 post pandemic, first 7 months Trends – PCNs issued and appealed.
- 5.7** In addition, she summarised statistical information relating to the hearings, including numbers of hearings held face to face, held by telephone, video or decided electronically and the numbers of proxy cases and case closures and case status.
- 5.8** The RWG also received a public affairs update which provided an update on pavement parking including a letter drafted on behalf of the ESC to the DfT as requested at the previous ESC meeting held in October, update on pavement parking in Wales, moving traffic powers, the user group sessions, and the PACER awards.
- 5.9** One common issue raised by those in attendance was the PCN amount which many felt needed to be increased. The Director, Laura Padden, informed the group she had been in consultation with the British Parking Association (BPA). Both her and colleagues at the BPA were in the process of establishing a joint working group in order to lobby government on this matter with the working

group looking to provide evidence that councils may not break even in the next financial year.

- 5.10** In respect of moving traffic powers, the chair of the RWG raised concerns that his authority would not be able to complete the six-week consultation process by the February deadline. He advised officers from Devon County Council were in the process of writing to the DfT to request an extension to the consultation process given the uncertainty of when tranche 3 might go ahead. He asked if there was a possibility of PATROL supporting the council and also writing to the DfT echoing Devon's request for an extension.
- 5.11** It was proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and report to the next meeting of the Joint Committee or its Executive Sub Committee.

6. Implications

6.1. Finance

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

PATROL Adjudication Joint Committee

Date of Meeting:	11 th July 2023
Report Title:	Appointments to the Advisory Board
Report of:	Laura Padden, Director PATROL on behalf of the Advisory Board

1. Purpose of Report

- 1.1. This report sets out the recommendations for appointments for 2023/2024.

2. Recommendations

- 2.1. To approve the appointment of Richard Hibbert until 2027. His appointment was originally until July 2023 in line with when George Broughton's tenure was due to end. He now needs to be reappointed for a period of four years.
- 2.2 To approve the appointment of Emma Barker from Sheffield City Council for a period of four years.
- 2.3 To approve the appointment of Jason Passfield, representing Adur & Worthing Councils for a period of four years.

3. Reasons for Recommendations

- 3.1 To fill vacancies on the Advisory Board as a result of retirements.

4. Background

- 4.1 The retirement of George Broughton led to a vacancy which has now been filled by Richard Hibbert representing Cheshire East Council. Pat Knowles, representing South Lakeland Council also informed the Director of her intention to retire in 2023. As a result, enquiries were made to find a suitable replacement. Jason Passfield, representing Adur & Worthing Councils was approached and he kindly agreed to be a member of the advisory Board.

4.2 In addition to recruiting Richard and Jason it was felt that an additional officer representative on the Advisory Board would be useful and emails were sent to a number of authorities seeking a volunteer. Emma Barker, representing Sheffield City Council responded confirming she would be willing to act as a representative on the Advisory Board.

5. Implications

5.1. Finance

5.1.1 The budget makes provision for the Advisory Board.

6.1 Risk Management

6.1.1 The Advisory Board scrutinises the Joint Committee's Governance and Finance progress and associated work.

7.1 Legal

7.1.1 The Joint Committee's governance arrangements make provision for the appointment of an Advisory Board.

PATROL

Public Affairs Update: To Tuesday 20 June 2023

1. Current traffic management issues

a. Pavement Parking

- **Wales:** The Welsh Government's plans to give councils powers to enforce against pavement parking are currently delayed.

The decision was made due to the pressure on authorities to implement enforcement alongside the planned default 20mph speed limit and reforms to the bus network from later this year. Consultation and introduction of the new pavement parking powers was due to be finalised this year, but will now not start until 2024.

On 4 April, Lee Waters MS, Deputy Minister for Climate Change, said:

'I have listened to the feedback from leaders and decided to delay the consultation on pavement parking until next year. This will enable local authorities to focus on the implementation and introduction of default 20mph speed limits in September 2023 and the work to prepare for bus franchising.'

- **England (outside London):** PATROL continues to await an update from the Department for Transport (DfT) following its October 2020 consultation on when policy changes will be announced.

PATROL Chair, Councillor Stuart Hughes, wrote to the Secretary of State for Transport seeking an update in December 2022. The response received from the DfT indicated that responses to the consultation had been analysed and Ministers are considering how to take forward the policy – which remains a 'high priority'.

On 13 March, a debate on pavement parking was held in the House of Commons (<https://hansard.parliament.uk/Commons/2023-03-13/debates/4479BB2C-49BD-47FD-9C76-5149A8A12DF7/PavementParking?highlight=pavement%20parking#contribution-1B8A7090-2D90-44A5-B070-B8138980AC82>)

During the debate, Richard Holden Parliamentary Under-Secretary of State (Roads and Local Transport) at the DfT, provided an update on the consultation response, discussing the pros and cons of the three possible solutions (an outright ban, enforcing 'obstruction' as a new contravention and reforming the TRO-making process) and stated that pavement parking was '...a very real and complex problem that we are looking to address at the earliest opportunity', adding that he and the Department were actively working on the issue.

On 24 May, Afzal Khan, MP for Manchester, Gorton (Labour), presented a petition from his constituents asking for the government to respond to the 2020 consultation. A response is

pending.

b. Moving Traffic Powers in England (outside London)

A list of local authorities already enforcing or consulting on moving traffic, with links to details of the restrictions can be found in the table below.

Authorities highlighted were included under the first Designations and Miscellaneous Amendments Order made under the *Civil Enforcement of Road Traffic Contraventions Regulations 2022* and laid before Parliament in June 2022.

Authority	Detail on active / proposed restrictions
Bath & North East Somerset Council	https://beta.bathnes.gov.uk/moving-traffic-enforcement-powers-consultation/location-summary
Bedford Borough Council	https://www.bedford.gov.uk/your-council/have-your-say/consultations/moving-traffic-offences-consultation
Bradford City Council	https://www.bradford.gov.uk/browse-all-news/press-releases/have-your-say-on-local-highways-enforcement/
Buckinghamshire Council	https://www.buckinghamshire.gov.uk/parking-roads-and-transport/moving-traffic-offences/
Central Bedfordshire Council	https://www.centralbedfordshire.gov.uk/info/38/consultations/1189/consultation_on_new_powers_to_improve_road_safety/3
Derby City Council	https://www.derby.gov.uk/transport-and-streets/parking-in-derby/moving-traffic-enforcement/#page-2
Devon County Council	https://www.devon.gov.uk/news/council-considers-new-powers-to-reduce-traffic-congestion-and-improve-safety/
Durham County Council	https://www.durham.gov.uk/article/28419/Council-enforcement-goes-live-with-new-cameras
Gloucestershire County Council	https://www.gloucestershire.gov.uk/highways/parking/moving-traffic-enforcement-information/next-steps-application-for-designation-order/
Hampshire County Council	https://www.hants.gov.uk/transport/transport schemes/traffic-enforcement-consultation
Herefordshire Council	https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=8953
Hertfordshire County Council	https://bidstats.uk/tenders/2023/W11/794689740
Kent County Council	https://letstalk.kent.gov.uk/traffic-management-act
Leeds City Council	https://democracy.leeds.gov.uk/ieDecisionDetails.aspx?Id=56023
Leicester City Council	https://consultations.leicester.gov.uk/comms/mte/
Liverpool City Council	https://liverpool.gov.uk/council/consultation-and-engagement/consultation-results/moving-traffic-enforcement-survey-results/
Luton Borough Council	https://m.luton.gov.uk/Page/Show/Transport_and_streets/Parking/Pages/Moving-traffic-enforcement.aspx
Manchester City Council	https://www.manchester.gov.uk/info/200024/consultations_and_surveys/8436/moving-traffic-offences-consultation
Medway Council	https://www.medway.gov.uk/info/200160/roads_and_pavements/1602/moving-traffic-offences
Newcastle City Council	https://www.newcastle.gov.uk/citylife-news/transport/council-apply-new-traffic-enforcement-powers-following-consultation

Norfolk County Council	https://www.norfolk.gov.uk/news/2022/03/chance-to-have-your-say-on-enforcement-of-traffic-offences
North Northamptonshire Council	https://northnorthants.citizenspace.com/highways/moving-traffic-offences/
Nottinghamshire County Council	https://westbridgfordwire.com/have-your-say-on-enforcement-cameras-for-west-bridgford-box-junction/
Oldham Council	https://pclengagement-hub.co.uk/en-GB/projects/oldhammteplans
Oxfordshire County Council	https://www.oxfordshire.gov.uk/residents/roads-and-transport/parking/moving-traffic-offences
Reading Borough Council	https://www.reading.gov.uk/vehicles-roads-and-transport/moving-traffic-enforcement/locations-of-yellow-box-junctions/
Salford City Council	https://sccmovingtrafficooffences.commonplace.is/
Sheffield City Council	https://connectingsheffield.commonplace.is/en-GB/proposals/enforcing-moving-traffic-offences-traffic-management-act-2004-part-6/step1
South Gloucestershire Council	https://consultations.southglos.gov.uk/MTE/consultationHome
Surrey County Council	https://www.surreycc.gov.uk/roads-and-transport/moving-traffic-offences
Trafford Council	https://trafford.citizenspace.com/place/moving-traffic-offences-consultation/
Walsall Council	https://go.walsall.gov.uk/newsroom/moving-traffic-contraventions-enforcement-survey
Wiltshire Council	https://www.wiltshire.gov.uk/news/wiltshire-council-to-apply-for-new-powers-to-improve-road-safety
Wokingham Borough Council	https://engage.wokingham.gov.uk/en-GB/projects/moving-traffic-offences/1

- The deadline for applications for the second tranche of authorities is now closed, with the resulting powers set to be granted this Summer. A third tranche is set to follow. PATROL continues to engage with authorities that have indicated they wish to commence moving traffic enforcement, in order to assist them with preparations.

c. Level of civil parking penalty charges in England

- PATROL, alongside the British Parking Association and Local Government Association, is conducting research into how the current levels of parking penalty charges are impacting and impeding our local authority members in managing and enforcing their road networks. There has been no formal review of civil parking penalty charges in England and Wales since 2008, with the exception of in London.
- PATROL wrote to Minister Richard Holden in January, informing the Department of the research and will share the published report when complete. A survey has gone out to parking managers across member authorities, with responses being reviewed currently.

d. Other items of interest

- **2 June: House of Commons Library – *Parking in England FAQs* Research Briefing**
This briefing answers MPs' Frequently Asked Questions about parking policy in England,

with reference to the appeals process at the Traffic Penalty Tribunal.
<https://commonslibrary.parliament.uk/research-briefings/cbp-8736/>

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

Overview of confirmed local authority CAZ / Zero Emission Zone (ZEZ) plans

Location	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.
Oxford (ZEZ)	<ul style="list-style-type: none"> Pilot zone launched 28 February 2022. Public consultation on wider zone currently ongoing until 3 October 2022.
Bradford	<ul style="list-style-type: none"> Zone launched 26 September 2022.
Bristol	<ul style="list-style-type: none"> Launch launched 28 November 2022.
Newcastle, Gateshead and North Tyneside	<ul style="list-style-type: none"> Launch launched 30 January 2023.
Sheffield	<ul style="list-style-type: none"> Launch launched 27 February 2023.
Greater Manchester (Greater Manchester Combined Authority)	<ul style="list-style-type: none"> Combined Authority has signed off new plan, based on an investment-led, non-charging scheme (still pending Government approval).

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

- **The 2023 Promoting Awareness of Civil Enforcement through Reporting (PACER) Awards reception is booked for the afternoon of Tuesday 11 July**

DfT Minister Richard Holden will host and present the awards this year, following the stepping down of Huw Merriman after a number of years, due to his recent promotion to Minister of State (Rail and HS2).

- 12 councils have been shortlisted for this year's event, which recognises Annual Reports produced by local authorities for the 2021/22 year. The shortlist is:
 - Bath & North East Somerset Council
 - Central Bedfordshire Council
 - Cheshire East Council
 - Chichester District Council
 - Gloucestershire County Council
 - Hampshire County Council
 - Manchester City Council
 - North East Lincolnshire Council
 - North Essex Parking Partnership
 - Nottingham City Council
 - Powys County Council
 - Stockton-on-Tees Borough Council

The shortlist has been chosen from a number of high-quality entries this year and reflects the new regional focus of the awards to widen geographical representation. Separate awards will be given for the best report from regions around England and Wales.