

CABINET

LEADER

2 AUGUST 2011

APPOINTMENT TO THE BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE (BLASJC)

Portfolio Holder: Councillor Phil Filmer, Frontline Services

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Author: Phil Moore, Head of Highways and Parking Services

Summary

From August 2011 the council is due to start issuing Penalty Charge Notices (PCNs) to any unauthorised vehicles that are recorded being in a bus lane. Enforcement is due to start at the new Strood Riverside link, which will use Medway's first fixed Auto Number Plate Recognition (ANPR) camera to capture contraventions. The cameras are being installed late July with the opening of the link planned for August 2011.

The Bus Lane Contraventions Regulations 2005 provide that those approved local authorities which have resolved to impose Penalty Charge Notices (PCNs) for being in a bus lane, must appoint and make provision for facilities for bus lane adjudicators to determine appeals against PCNs.

This report seeks approval for Medway Council to join the Bus Lane Adjudication Service Committee (BLASJC) and to appoint a representative to the BLASJC to act on behalf of Medway Council.

1. Budget and Policy Framework

- 1.1 In accordance with legislation and Medway Council's constitution, the decision requested within this report is a matter for the Leader of the Council, as set out in paragraph 2.6 of the report, and the matter is being reported to Cabinet for recommendation to the Leader.
- 1.2 The decision is within the policy and budget framework, specifically the Local Transport Plan and the Council Plan under the priority of "Everyone travelling easily and safely around Medway".
- 1.3 Failure to join the BLASJC would mean that Medway Council would have no adjudication arrangements in place to enable an individual receiving a Penalty

Charge Notice (PCN) for a bus lane contravention, to appeal against the issuance of the said PCN. This would preclude the authority from undertaking bus lane enforcement and issuing PCNs. This would seriously prejudice the Council's interest as the opening of the new Riverside bus lane scheme on Canal Road, the new dynamic bus station in Chatham including Waterfront Way, the recently installed lane in High Street Chatham immediately prior to Union Street junction and the various other bus lanes within Medway would be unenforceable.

2. Background

- 2.1 The Road Traffic Act 1991 and the Traffic Management Act 2004 require those councils that operate civil parking enforcement to fund the provision of parking adjudication. Medway has been part of the Joint Committee for the Civil Parking Enforcement of Parking and Traffic Regulations outside London (PATROLAJC) for a number of years and Councillor Phil Filmer currently represents the Council on this committee. PATROL's appointed independent adjudicators for the Civil Enforcement of Parking Contraventions are the Traffic Penalty Tribunal.
- 2.2 The Traffic Penalty Tribunal is an independent tribunal where impartial lawyers consider appeals by motorists and vehicle owners whose vehicles have been issued with a Penalty Charge Notice.
- 2.3 The Bus Lane Contravention Regulations (2005) imposes a similar requirement on those councils that operate bus-lane enforcement to fund the provision of bus-lane adjudication. In 2006, with the introduction of bus lane enforcement, it was agreed by PATROLAJC that there would be an integrated tribunal for parking and bus lane enforcement. However, there must be a separate joint committee, the Bus Lane Adjudication Service Joint Committee (BLASJC) until such time as the both areas of enforcement are governed by the same legislation (i.e. The Traffic Management Act 2004).
- 2.4 Therefore, in order to commence bus lane enforcement Medway Council is required to join the joint committee of councils operating bus lane enforcement via the Bus Lane Adjudication Service Joint Committee (BLASJC). The service provides an adjudication system for dealing with appeals against penalty charge notices issued to unauthorised vehicles for being in a bus lane.
- 2.5 The agreement that regulates the setting up of the Joint Committee provides for one representative for each constituent Council. The role of members of the joint committee is to oversee the functions of the Traffic Penalty Tribunal as an independent tribunal and to oversee any agreed PATROL initiatives, such as commissioning independent reviews and the provision of public information. The full joint committee is scheduled to meet once a year and parking and bus lane committee meetings are generally scheduled for the same day.
- 2.6 In accordance with Article 10 of the Council's Constitution, the authority to establish joint arrangements in respect of executive functions is devolved to the Leader. The making of arrangements for bus lane adjudicators is an executive function. Article 10 provides that, except in certain circumstances,

only a member of Cabinet can be appointed to a Joint Committee exercising executive functions.

3. Options

- 3.1 That Cabinet recommends that the Leader agree that Medway Council join the BLASJC and appoint a representative to the BLASJC to act on behalf of Medway Council, thus giving approval to enter into any agreements necessary to become a member of the joint committee. If the Leader so agrees, the Council will then complete and return the Agreement and Memorandum of Participation (draft agreement attached as Appendix 1) to join the joint committee and Medway Council can commence the enforcement of bus-lane contraventions. This will enable the full benefit of the bus lanes within Medway to be recognised and used correctly with a robust enforcement system available to aid this.
- 3.2 That Cabinet does not recommend to the Leader that the Council join the BLASJC and Medway Council will therefore be unable to commence the enforcement of bus-lane contraventions. This would mean that with no robust enforcement system in place, bus lanes would be open to misuse by prohibited vehicles and the intended benefits of bus lanes would not be recognised.

4. Advice and analysis

- 4.1 Public transport priority measures, such as bus lanes are designed to help achieve more reliable and consistent journey times. One of the main barriers to this are prohibited vehicles travelling within the bus lane.
- 4.2 Public transport priority measures such as bus-lane enforcement can reduce congestion and allow the free flow of traffic, as well as significantly contributing to improved journey times and reliability for bus users. These are important factors in attracting new passengers to public transport and delivering modal shift to public transport.
- 4.3 The main aid to realising the potential of bus lanes is regular enforcement via the issuance of Penalty Charge Notices and therefore, failure to implement bus lane enforcement would seriously prejudice both the Council's and the public's interests.

5. Risk management

Risk	Description	Action to avoid or mitigate risk
The council will be precluded from undertaking bus lane enforcement and issuing Penalty Charge Notices (PCN)	Failure to join the BLASJC will mean that Medway Council will have no adjudication arrangements in place to enable anyone receiving a PCN for being in a bus lane, to appeal against the issue of the notice. Therefore we cannot commence enforcement.	Agreement to join the BLASJC
The Strood Riverside Bus Link	The Strood Riverside bus link is to be enforced by Medway's first fixed ANPR camera and is due to open on 1 August 2011. The two new bus services that will use the link have been registered to start on this date. Without the powers to enforce, the bus link cannot be opened.	Agreement to join the BLASJC
The Dynamic Bus Station Chatham	The new dynamic bus station in Chatham is due to open late summer and without the powers to enforce by mobile CCTV unit, prohibited vehicles may continue to use the route.	Agreement to join the BLASJC

6. Financial and legal implications

- 6.1 The cost sharing arrangements for the provision of the service are reviewed by the Bus Lane Adjudication Service Joint Committee on an annual basis and have been fixed for the year ending 31 March 2011 on the basis of £0.65 per penalty charge notice. There is no joining fee. Fees are paid by the enforcing council quarterly in advance, based on an agreed number of penalty charge notices that are estimated to be issued and then revised regularly once the actual number is available. A similar payment process is in place for contraventions adjudicated under the Traffic Penalty Tribunal, currently used by Medway Council for all other contraventions. The charge is funded from income received by the authority from penalty charge notices.
- 6.2 BLASJC is a joint committee established under s101(5) of the Local Government Act 1972. As the committee will be exercising executive functions, the establishment or joining of the committee is a matter for the Leader. In order to join the BLASJC the Agreement and Memorandum of Participation must be signed on behalf of Medway Council.

7. Recommendations for Cabinet

- 7.1 That Cabinet recommends to the Leader that he approves joining the Bus Lane Adjudication Service Joint Committee (BLASJC) and gives approval to enter into any agreements necessary to become a member of the joint committee in order that Medway Council can commence bus lane enforcement.
- 7.2 That Cabinet recommends to the Leader that he appoints the Portfolio Holder for Front Line Services to the Bus Lane Adjudication Service Joint Committee.

8. Recommendations for the Leader of the Council

- 8.1 The Leader of the Council is requested to:
- (i) Approve joining the Bus Lane Adjudication Service Joint Committee (BLASJC) and give approval to enter into any agreements necessary to become a member of the Joint Committee in order that Medway Council can commence bus lane enforcement.
 - (ii) Appoint the Portfolio Holder for Front Line Services to the Bus Lane Adjudication Service Joint Committee.

9. Suggested reasons for decision(s)

- 9.1 This will enable Medway Council to commence enforcement of bus lanes, via the issuance of penalty charge notices to support the implementation of the new Strood Riverside bus-link as well as the forthcoming opening of the dynamic bus station in Chatham.

Lead officer contact

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Background papers

Traffic Management Act (2004)
The Bus Lane Contraventions Regulations (2005)
The Road Traffic Act (1991)

MEMORANDUM OF PARTICIPATION IN THE BUS LANE

ADJUDICATION SERVICE JOINT COMMITTEE

MEDWAY COUNCIL

Whereas the Secretary of State has by an Order under the provisions of The Transport Act 2000 ("the 2000 Act") designated Medway Council as an Approved Local Authority for the purpose of Section 144 of the Transport Act 2000;

And whereas the Bus Lane Contraventions (Penalty Charges Adjudications and Enforcement) (England) Regulations 2005 ("The Regulations") provide that the functions conferred on each Approved Local Authority under Regulation 11 of the Regulations shall be discharged by it through a joint committee set up in pursuance of arrangements entered into by it under Section 101(5) of the Local Government Act 1972;

And whereas a number of Approved Local Authorities have entered into a Deed of Arrangements for the establishment of a joint committee known as the Bus Lane Adjudication Service Joint Committee ("BLASJC");

And whereas it is expedient that other Approved Local Authorities should have the opportunity of making similar arrangements to exercise their functions through the joint committee and the said Deed of Arrangements makes provision for such Approved Local Authorities to join in the said arrangements by means of this Memorandum;

And whereas the said Approved Local Authority is desirous of entering into the same arrangements as govern the setting up of the BLASJC with those Approved Local Authorities which are currently parties to the said arrangements and to that end wishes to become a party to those arrangements;

And whereas the said Approved 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 and any regulations made thereunder

NOW IT IS HEREBY AGREED

1. In the signing of this Memorandum the Medway Council Approved Local Authority ("the Joining Approved Local Authority") shall become a party to the joint arrangements set out in the Agreement dated 12 June 2006 and forming Schedule 1 to this Memorandum as if the Joining Approved Local Authority had been named as a party in the said Deed of Arrangements but subject only to the modifications contained in this Memorandum.
2. By signing this Memorandum the Approved Local Authority hereby agrees to be bound by the terms set out in the said Deed of Arrangements subject only to the following modifications:
 - a) The agreement shall come into effect insofar as the Joining Approved Local Authority is concerned only on the date the Joining Approved Local Authority signs this Memorandum;
 - b) The Joining Approved Local Authority shall be liable to contribute under Clause 5.1 of the Deed of Arrangements

and in accordance with the terms of contribution currently
in effect at the date of joining which have been agreed by
BLASJC which have been notified to the Joining Approved
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.....

Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR

SCHEDULE 1

**AGREEMENT FOR A BUS LANE ADJUDICATION SERVICE JOINT
COMMITTEE**

THIS DEED OF ARRANGEMENTS is made this 12th day of June 2006

BETWEEN:-

The Local Authorities listed in Schedule 1 to this Deed of Arrangement in pursuance of arrangements made under Section 144 of the Transport Act 2000 ("the 2000 Act"), Section 101(5) and 101(5B) of the Local Government Act 1972, Section 20 of the Local Government Act 2000, The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 ("The Regulations"), The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 (as amended), the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, and the Local Authorities (Goods and Services) Act 1970, and all other enabling powers.

WHEREAS:-

1. The Secretary of State has approved under the provisions of the Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 (as amended) (inter alia) the Local Authorities listed in Schedule 1 to this deed as Approved Local Authorities for the purpose of Section 144 of the Transport Act 2000 (civil penalties for bus lane contraventions).
2. Regulation 12 of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement)(England) Regulations 2005 provides (inter alia) that the functions conferred on the Approved Local

Authorities under Regulation 11 of the said Regulations shall be discharged by them through a joint committee set up under Section 101(5) of the Local Government Act 1972.

3. The functions of the Approved Local Authorities listed in Schedule 1 to this deed are the responsibility of the executives of those authorities under executive arrangements adopted for the purposes of section 10 of the Local Government Act 2000 whilst the functions of other Approved Local Authorities remain for the time being functions exercisable by the local authorities themselves.
4. It is expedient that provision should be made to enable other Approved Local Authorities on whom functions under Regulation 11 of the Regulations are conferred to become parties to this Deed of Arrangement.
5. It is also expedient that any Approved Local Authority which should adopt executive arrangements after the date of this Deed of Arrangement should be able through arrangements made by their mayors, executives, members of executives, committees of executives, executive leaders or council managers (as appropriate) to continue as or to become parties to this Deed of Arrangement.
6. The agreed primary objectives of the joint committee are the provision of:-
 - a) a fair adjudication service for Appellants including visible independence of adjudicators from the authorities in whose areas they are working;
 - b) consistency of adjudication across the service;

- c) a cost effective and equitable adjudication service for all Approved Local Authorities in England in relation to whose area the Secretary of State has made an Order under Section 144 (3)(b) and (14) of the 2000 Act;
- d) flexibility to deal with a wide range of Approved Local Authorities with varying levels of demand for adjudication.

NOW IT IS HEREBY AGREED:-

1. Definitions & Interpretations

In this Agreement:-

- 1.1. 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.
- 1.2. The term "Approved Local Authorities" means those local authorities specified in the Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 (as amended) or any other local authority designated as an Approved Local Authority in any order made subsequently under Section 144(3) (b) and (14) of the 2000 Act which has functions conferred on it under Regulation 11 of the Regulations

- 1.3. The term "Participating Authority " means an Approved Local Authority which becomes party to these arrangements under Clause 2.1 of this Agreement or under Clauses 10 or 13 of this Agreement and by virtue of the memorandum of participation annexed hereto and who are party to these arrangements at the relevant time.
- 1.4. "Lead Authority" means such Participating Authority as the Participating Authorities may from time to time appoint to provide goods and services under these arrangements.
- 1.5. "Lead Officer" means the Officer of the Lead Authority to whom functions are delegated pursuant to this Deed of Arrangements and to Standing Orders set out in Schedule 4 to this Agreement.
- 1.6. "The Bus Lane Adjudication Service Joint Committee" (BLASJC) means the joint committee agreed to be established by the Participating Authorities on the terms contained herein for the purpose of jointly exercising functions under Regulation 11 of the Regulations.
- 1.7. "BLASJC functions" means the functions specified in Schedule 3 to this Agreement and 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 these functions.
- 1.8. "The Bus Lane Adjudication Service" means an Appeals Service for persons appealing against the rejection by the Participating

Authority concerned of their representations against penalty charges.

1.9. The "representative on the Joint Committee" 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 Authority on the Bus Lane Adjudication Service Joint Committee.

1.10. "Secretary of State" means the Secretary of State for Transport.

2. Commencement

2.1. This Agreement shall come into effect on 12 June 2006 in respect of those Approved Local Authorities listed in Schedule 1 to this Agreement. In respect of any other Approved Local Authority who joins these arrangements it shall come into effect on the date that Authority signs the Memorandum of Participation annexed hereto.

3. The BLASJC

3.1. The Participating Authorities hereby agree to establish a joint committee ("the BLASJC") for the purpose of exercising the functions set out in Schedule 3 of this Agreement.

3.2. The composition of the BLASJC shall be in accordance with the provision of Schedule 2 of this Agreement.

- 3.3. The BLASJC in exercising the functions conferred on it shall have regard to the primary objectives set out in recital 6 of this Agreement.
- 3.4. The BLASJC shall comply with the Standing Orders contained in Schedule 4 of this Agreement and the Financial Standing Orders and Rules of Financial Management contained in Schedule 5 to this Agreement and subject as provided therein shall have the power to amend such Standing Orders and Rules if it considers such amendment necessary or appropriate.
- 3.5. The BLASJC 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.
- 3.6. The BLASJC may in the exercise of its functions be advised by an official nominated by the Department for Transport and such official(s) shall be entitled to attend and speak at meetings of the BLASJC for this purpose.

4. Lead Authority

- 4.1. The Participating Authorities hereby appoint Manchester to act as Lead Authority for the purposes specified in and on the terms set out in Schedule 6 to this Agreement and the Executive of the Manchester City Council agree to the appointment on these terms.
- 4.2. The terms of appointment of the Lead Authority may be varied at any time by an agreement evidenced in writing between the

BLASJC and Lead Authority but in the absence of such agreement, the terms set out in Schedule 6 shall apply to any successor to Manchester as Lead Authority.

- 4.3. The Lead Authority may elect to relinquish its role as such by giving not less than 12 months notice in writing to the BLASJC (or such other period as may be agreed between the Lead Authority and the BLASJC) such notice to take effect on 1 April the following year and the BLASJC shall meet as soon as is practicable after such notice has been given to appoint a new Lead Authority from the Participating Authorities.
- 4.4. The appointment of a Participating Authority as Lead Authority may be terminated by the BLASJC by the giving to that Council of not less than 12 months (or such other period as may be agreed between the Lead Authority and the BLASJC) notice in writing such notice to take effect on 1 April the following year and the BLASJC shall as expeditiously as possibly appoint as the new Lead Authority any other Participating Authority
- 4.5. On the termination of the appointment of a Participating Authority as Lead Authority that Participating Authority and the 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 these arrangements (including but without prejudice to the generality of the foregoing the costs and expenses properly incurred by the Lead Authority and those of the BLASJC) in such proportions as may be determined from time to time by the BLASJC.

5.2. The BLASJC 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 therewith 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 BLASJC may require Participating Authorities to pay such contribution by means of such periodic payments as it may deem appropriate.

6. Confidentiality

Except where disclosure is required by law or to professional advisers and subject to the provisions of the BLASJC's Standing Orders and Clause 7 every Participating Authority shall:-

- (a) treat as confidential all commercially sensitive information that may be derived from or in connection with the BLASJC or from

this Agreement and shall not divulge the same to parties not being Participating Authorities party to these arrangements without the prior written agreement of the BLASJC;

- (b) take all necessary precautions to ensure that all such information is treated as confidential;
- (c) not duplicate or furnish to a third party without the prior written agreement of the BLASJC any contract documentation information or item plan design or specification connected with the contract or arising out of this Agreement.

7. Data Protection

- 7.1. A Participating Authority shall not (except as required by law) disclose or allow access to personal data provided or acquired by the BLASJC (other than data supplied to the BLASJC by the Participating Authority concerned) for the purposes of this Agreement other than to another Participating Authority.
- 7.2. Any disclosure of or access to personal data permitted by sub-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 BLASJC.

8. Publicity

Subject to the Standing Orders of the BLASJC no Participating Authority shall arrange a press release or other forms of publicity

regarding the functions of the BLASJC without the consent of the BLASJC.

9. Withdrawal of Participating Authority from Joint Arrangement

A Participating Authority may by notice given in writing to the Lead Officer not later than the 31 March in any year withdraw from these arrangements with effect from 1 April the following year. Such withdrawal shall not affect any liabilities arising incurred or entered into prior to the effective date of withdrawal nor unless otherwise agreed by the BLASJC shall the withdrawal entitle the Participating Authority concerned to any repayment of contributions made to the budget of the BLASJC Subject to the above and Clause 10 below, the withdrawal from these arrangements of a Participating Authority shall not affect the validity or the continuation of these arrangements between the remaining Participating Authorities.

10. Provision for taking up executive arrangements

10.1. In the case of any Approved Local Authority which is, or which becomes, a party to the arrangements set out in this Deed and which has not, at the date it becomes a party, adopted executive arrangements within the meaning of Part II of the Local Government Act 2000 the following provisions shall apply:

10.2. On the day immediately preceding the adoption by that authority of executive arrangements it shall cease to be a party to this deed and shall be deemed to have withdrawn from these

arrangements. Such withdrawal shall not affect any liabilities arising incurred or entered into prior to the effective date of withdrawal nor unless otherwise agreed by the BLASJC shall the withdrawal entitle the Approved Local Authority concerned to any repayment of contributions made to the budget of the BLASJC.

- 10.3. On adopting executive arrangements that Approved Local Authority acting in accordance with law and its own constitutional arrangements shall be entitled to rejoin the BLASJC and become a party to these arrangements pursuant to the provisions set out in Clause 13 Provided that so long as the Approved Local Authority becomes a party to these arrangements immediately upon adopting executive arrangements, it shall be subject to the same rights and liabilities as if it had not ceased to be a party.

11. Termination

- 11.1. The arrangements contained in this Agreement may be terminated by notice in writing signed on behalf of not less than 75% of the total number of Participating Authorities.
- 11.2. If the arrangements come to an end an account shall be taken and agreed by the Participating Authorities then party to the arrangements of such assets and liabilities of the BLASJC and such assets shall then be realised and the proceeds applied in discharge of such liabilities and paying the expenses of winding

up of the arrangements and any surplus shall be distributed (after first repaying any special advances or contributions made by any individual Participating Authority to the assets of the BLASJC) 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.

12. Variation

The Terms of these arrangements may be varied by the consent of not less than 75% of the total number of Participating Authorities.

13. Additional Approved Local Authorities

Any Local Authority in respect of whose area the Secretary of State has made an Order under Section 144 (3) and (14) of the 2000 Act shall on the date agreed between that Authority and the Lead Officer and evidenced by a memorandum of participation in the form contained in Schedule 7 hereto and signed on behalf of the relevant Authority and annexed hereto become party to these arrangements and from that date shall be bound by the terms of this Agreement and shall (without prejudice to the generality of the foregoing) contribute to the costs of these arrangements in such proportion as may be agreed by the BLASJC.

14. Notices

Any notice to be given to the BLASJC or to any Participating Authority shall be sufficiently given if sent by first class letter or facsimile transmission to the Town Clerk, Secretary, Head of Paid Service of the Participating Authority concerned or the Lead Officer of the BLASJC (as appropriate) and if so sent shall subject to proof to the contrary be deemed to have been received by the Participating Authority or the BLASJC as the case may be on the second business day after the date of posting or on successful transmission as the case may be.

15. Arbitration

Any dispute which may arise between the Participating Authorities about these arrangements or this Agreement 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 BLASJC.

SCHEDULE 1

The Council of the City of Manchester ('Manchester') of Town Hall
Manchester M60 2LA

Hampshire County Council of The Castle Winchester Hampshire SO23
8UJ

Brighton and Hove City Council of Kings House Grand Avenue Hove
BN3 2SR

Sheffield City Council of Town Hall Sheffield S1 2HH

Nottingham City Council of The Guildhall Burton Street Nottingham
NG1 4BT

Reading Borough Council of Fountain House Queens Walk Reading
RG1 7TD

SCHEDULE 2

COMPOSITION OF MEMBERSHIP OF BLASJC

1. The BLASJC shall comprise one representative of each of the Participating Authorities appointed in accordance with law and with their own constitutional arrangements.
2. Each Participating Authority shall as soon as practicable after becoming party to these arrangements notify the Lead Officer of the identity of the representative appointed by it to be a representative of the BLASJC and the identity of any substitute representative.
3. The term of office of a representative of the BLASJC or any substitute representative shall be from the date of the first meeting of the BLASJC held after the notification by the appointing Participating Authority of the appointment to the Lead Officer until the date of the next annual meeting of the BLASJC; 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 the appointing Participating Authority, whichever occurs first.

4. The appointing Participating Authority shall as soon as practicable thereafter notify the Lead Officer of the termination of an appointment by it or if its former appointee 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.

SCHEDULE 3

FUNCTIONS OF BLASJC

The function of the BLASJC shall be:-

- (a) to appoint (re-appoint and dismiss) subject to the Lord Chancellor's consent Bus Lane Adjudicators for the purpose of the Transport Act 2000;
- (b) to appoint a Proper Officer and Deputy
- (c) to provide or secure the provision of accommodation and administrative staff for the Bus Lane Adjudicators;
- (d) to determine after consultation with the relevant Participating Authority where the Bus Lane Adjudicators are to sit;
- (e) to commission and receive an annual report upon the Bus Lane Adjudication Service from the Bus Lane Adjudicators;
- (f) to make an annual report to the Secretary of State as appropriate on the discharge of the functions of the Bus Lane Adjudicators and to publish the same;

- (g) to establish and approve annual budgets and receive annual accounts and regular monitoring reports on associated expenditure;
- (h) such other associated functions as the Participating Authorities may lawfully arrange for the BLASJC to perform as they from time to time consider appropriate.

SCHEDULE 4

THE BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE'S STANDING ORDERS

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1. Chairman Vice-Chairman and Auditors

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

2. Duration of Appointments

- (i) Each representative on the BLASJC shall hold office from the date of the first meeting of the BLASJC following his appointment to the date of the next annual meeting of the BLASJC 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 Chairman and Vice-Chairman 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 BLASJC;
- (ii) An Advisory Board may be appointed by the BLASJC comprising the Lead Officer, such other officers of the Participating Authority and other persons appointed by the BLASJC and a representative nominated by the Department for Transport (DFT) to advise the BLASJC on any matter relating to the functions conferred on the BLASJC. The Advisory Board shall be entitled to depute one or more of their number to attend and advise at meetings of the BLASJC.

4. Meetings and Agenda

- (i) A meeting of the BLASJC may be called at such date, time and place:

- a) at the instance of the Chairman; or
- b) as may be determined by the BLASJC; or
- c) by a requisition, signed by not less than one half of the representatives of the BLASJC 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 BLASJC 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 Chairman 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 BLASJC the Chairman, if present, shall preside. If the Chairman is absent the Vice-Chairman, if present, shall preside. If both the Chairman and Vice Chairman are absent the meeting shall elect a Chairman from one of its representatives. For the purposes of these Standing Orders references to the Chairman, in the context of the conduct of business at meetings, shall mean the person presiding under the Standing Order.

- (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 to be placed on the Agenda of the BLASJC. 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 receive a copy of the Agenda, papers and minutes of the proceedings of the BLASJC.
- (v) The Lead Officer shall not less than seven clear days before the intended meeting of the BLASJC: -
- (a) Circulate a notice thereof to each Participating Authority representative on the BLASJC 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 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 shall be entitled, upon prior notification being given to the Lead Officer and at the discretion of the Chairman, to attend and address the meeting for not more than ten minutes and to answer questions from representatives on the BLASJC for a further ten minutes.

(vii) A representative of the DFT may attend the meetings of the BLASJC as adviser of the BLASJC and may participate fully on all items of business but not vote.

5. Substitute Members

If a representative of the BLASJC is unable to be present at a meeting of the BLASJC, 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 to the Lead Officer of the BLASJC by the nominated Officer of the Participating Authority concerned at least 24 hours prior to the Committee meeting. A substitute attending a meeting of the BLASJC shall declare and vote as the Participating Authority representative on the BLASJC. No substitute representative may attend any meeting at which the representative for which he 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 BLASJC
- (ii) The Chairman shall have discretion to alter the order in which business is taken at the meeting.

8. Minutes

- (i) Minutes of every meeting of the BLASJC or any Subcommittee shall be submitted to and signed at the next following meeting of the body concerned.
- (ii) The Chairman 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 Chairman shall sign the Minutes.

9. Sub-Committees

- (i) The BLASJC shall be entitled to appoint such Sub-committees as it thinks fit.
- (ii) The composition of all Sub-committees shall be such as to reflect the balance of political parties or groups on the BLASJC in accordance with Part 1 of the Local Government and Housing Act 1989 save that no representative may be appointed to a Sub-committee unless willing to serve.

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 Chairman shall have a second or casting vote.
- (iii) On the requisition of any representative 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 BLASJC shall be one tenth 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.
- (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.

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 Chairman and direct any speech to the question under discussion. If two or more representatives indicate they wish to speak the Chairman 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 BLASJC.
- (v) No representative shall address the BLASJC 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 him in the current

debate, which may appear to have been misunderstood. The ruling of the Chairman 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 BLASJC has disposed of every amendment previously moved, provided that the Chairman 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 BLASJC proceed to the next business
 - (d) that the BLASJC do now adjourn

If such a motion is seconded, the Chairman, 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 BLASJC shall stand adjourned until the next ordinary meeting of the BLASJC; or

In case (c) – the motion then before the BLASJC shall be regarded as lost and the BLASJC shall proceed to the next item on the Agenda, if any; or

In case (d) – the meeting shall stand adjourned.

- (x) If the Chairman is of the opinion that the matter before the BLASJC has been sufficiently discussed he may put the motion that the question now be put
- (xi) The Chairman shall decide all questions of order and any ruling by the Chairman 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 BLASJC 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 100I 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.

14. Disorderly Conduct

- (i) If the Chairman is of the opinion that a representative has misconducted, or is misconducting himself by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the BLASJC he may notify the meeting of that opinion and may take any of the following action either separately or in sequence:-

- (a) he may direct the representative to refrain from speaking during all, or part of the remainder of the meeting
- (b) he may direct the representative to withdraw from all or part of the remainder of the meeting
- (c) he may order the representative to be removed from the meeting
- (d) he 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 Chairman, renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power invested in the Chairman, may without question, adjourn the

meeting of the BLASJC for such periods as in the Chairman'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 BLASJC, the Chairman may warn that person to stop. If the person continues the interruption, the Chairman 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 Chairman 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 BLASJC then he shall consult the BLASJC's Chairman. If the Chairman 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 BLASJC.

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

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 BLASJC 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 BLASJC 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 BLASJC before the proposed variation or revocation shall be considered to be effective.

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

The following code of conduct in relation to the interests of representatives in Contracts and other matters shall apply save that if any Participating Authority adopts a Code of Conduct pursuant to the provisions of section 51 of the Local Government Act 2000 then that Code shall apply with respect to the representative of that Participating Authority: -

- (i) Where any Participating Authority representative has given a general notice of a pecuniary interest of his or of his spouse, and is thereby relieved of the statutory duty to declare that interest at a meeting at which a contract or other matter affecting that interest is to be considered, he shall nevertheless orally remind the meeting of that interest. 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, whether by giving a general notice or by making an oral declaration at a meeting, he 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 by the Secretary of State under Section 97 of the Local Government Act 1972; 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 BLASJC) and is not itself the subject of debate.
- (iii) Any person, other than an officer of the BLASJC, who is appointed to do anything in connection with the BLASJC or subcommittee which enables him to speak at meetings of the BLASJC 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 would have to do if he were a representative of the BLASJC or subcommittee.

21. Interests of Officers in Contract and Other Matters

- (i) In addition to his duty under Section 117 of the Local Government Act 1972 if it comes to the knowledge of any officer that he has a disclosable pecuniary interest in any contract which has been or is proposed to be, entered into by the

BLASJC, or in some other matters which is to be considered by BLASJC or subcommittee, he shall as soon as practicable, give notice in writing to the Lead Officer of the fact that he is 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 BLASJC and if the contract or other matter were to be considered at a meeting of the BLASJC at which he were present, he would have to disclose it under Section 94 of the Local Government Act 1972.
- (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 BLASJC.
- (iv) Where an officer submits a report to a meeting on a matter in which he has declared an interest under Section 117 of the Local Government Act 1972 or paragraph (i) he 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 BLASJC 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) he 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 BLASJC 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 BLASJC access to which is necessary for the proper discharge of his 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 he has 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 BLASJC.
- (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 BLASJC, as the case may be) of the person requesting such access, and there is good reason why access should be refused, he 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 BLASJC may lawfully make a copy of that document, he 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 BLASJC or an elected member or officer of the Participating Authorities wishes to have access to land or buildings in the occupation of the BLASJC 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, he shall give permission but may attach conditions to that permission including particularly a condition that a specified officer of the BLASJC shall accompany the representative, member or officer.

- (v) If any member of the Participating Authorities or any other representative of the BLASJC is dissatisfied with any determination of the Lead Officer under Section 100F of the Local Government Act 1972 or under this standing order, he may refer the question to the BLASJC 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 BLASJC shall have any claim by virtue of his position:
 - (a) to enter any land or buildings occupied by the BLASJC 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 BLASJC to enter or inspect other land or buildings, except where specifically authorised to do so by the BLASJC;
 - (c) to exercise any other power of the BLASJC;
 - (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the BLASJC, or with respect to any goods or services which are being, or might be, purchased by the BLASJC

- (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 were a representative on the BLASJC, and that the matter were to be considered by the BLASJC, 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 BLASJC) by the BLASJC or by one of the employees of the Lead Authority in the course of transacting any business of the BLASJC, 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 BLASJC.

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:-

"Approved Local Authority" means a local authority specified in the Bus Lane Contraventions (Approved Local Authorities) (England)

Order 2005 (as amended) or any other local authority designated as an Approved Local Authority in any order made subsequently under Section 144(3) (b) and (14) of the 2000 Act which has functions conferred on it under Regulation 11 of the Regulations

"The Agreement" means an agreement for Bus Lane Adjudication Service Joint Committee made between The Council of the City of Manchester, Hampshire County Council, Brighton and Hove City Council, Sheffield City Council, Nottingham City Council and Reading Borough Council.

"Participating Authority means any Approved Local Authority then part to the joint arrangements contained the Agreement

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

"Lead Officer" means the nominated officer of the Lead Authority

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

SCHEDULE 5

FINANCIAL STANDING ORDERS AND RULES

OF FINANCIAL MANAGEMENT

1. All cheques and other negotiable instruments and all receipts for monies paid to the BLASJC shall be signed endorsed or otherwise executed as the case may be in such manner as the BLASJC

Standing Orders and/or Financial Regulations may from time to time specify.

2. Whenever any sum of money is recoverable from or payable by a Participating Authority the same may be deducted from any sum then due or which at any time thereafter may become due to that Participating Authority
3. Upon demand of a Participating Authority the BLASJC will provide reasonable proof that the BLASJC charges are properly based and this obligation will continue for 18 months after the lawful termination of the arrangements entered into pursuant to this Agreement.
4. The BLASJC shall cause proper books of account to be kept and audited such as are necessary to give a true and fair view of the state of the affairs of the BLASJC and to explain its transactions.
5. The books of account will be kept at the office of the Lead Authority or at such other place as the BLASJC thinks fit and they shall during normal office hours be open to inspection and copying by a Participating Authority
6. The Lead Officer of the Lead Authority shall provide an annual statement each year to the BLASJC identifying the proposed budget for the next financial year which shall be submitted to the BLASJC by no later than 31 day of January for ratification and approval. The BLASJC will also provide timely statements monitoring expenditure against the budget and identifying where

appropriate the basis and level of charges to the Participating Authorities

7. The Accounts of the BLASJC shall be prepared to the CIPFA Accounting Standards or similar best practice.
8. The Annual Accounts for the preceding year shall be submitted to the BLASJC for approval not later than 30 June in each year. A copy of the Report of the BLASJC auditor shall be submitted to a subsequent meeting of the BLASJC.

SCHEDULE 6

TERMS AND CONDITIONS OF THE ARRANGEMENT BETWEEN THE PARTICIPATING AUTHORITIES AND THE LEAD AUTHORITY

1. The Participating Authorities individually in accordance with their own constitutional arrangements and as part of their arrangements for the establishment of the BLASJC hereby agree that the Lead Authority shall provide such goods and services to the BLASJC as the BLASJC may from time to time determine.
2. Without Prejudice to the generality of the foregoing clause the Lead Authority shall provide staff for the performance on behalf of the BLASJC of the functions which are the subject of these arrangements and may in particular:
 - a) appoint, dismiss and discipline staff
 - b) supply pay and rations in respect of the Bus Lane Adjudication Service

- c) negotiate and execute contracts including but not limited to contracts for Works
 - d) negotiate and execute property transactions including but not limited to leases licenses and wayleaves
 - e) give and procure Committee administration support and professional advice including but not limited to legal financial surveying and personnel matters
 - f) provide such other goods and services as may be agreed with the Lead Authority and authorised by the BLASJC in writing
3. The BLASJC shall reimburse the Lead Authority all costs and charges incurred including VAT correctly levied in the provision of its services as Lead Authority within 30 days of receipt of invoices submitted by the Lead Authority
4. The consideration payable to the Lead Authority shall be subject to audit by the BLASJC and the Lead Authority shall upon request make available all accounts records and other documents reasonably required for such purpose
5. The Lead Authority shall take all reasonable steps to protect the interests of the BLASJC and to keep the BLASJC fully informed of all acts or decisions undertaken by the Lead Authority under this arrangement.
6. The BLASJC shall indemnify the Lead Authority against all claims demands costs and expenses arising out of the giving of professional advice or its actions as Lead Authority save that arising

from any negligent act or omission of the Lead Authority or its employees.

7. The BLASJC and the Lead Authority shall jointly review the Lead Authority's role as such at the end of each five year period calculated from the date of this Agreement UNLESS and until either party exercises their right to terminate the appointment of the Lead Authority pursuant to Clauses 4.4 or 4.5 of this Agreement.
8. The Lead Authority may in pursuance of these arrangements and Section 120(4) of the Local Government Act 1972 acquire and dispose of land on behalf of the Participating Authorities.
9. No property belonging to the Lead Authority including staff and premises provided by the Lead Authority for the use of the BLASJC shall thereby become part of the assets of the BLASJC unless specifically agreed in writing between the Lead Authority and the BLASJC and for the avoidance of doubt neither the BLASJC 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 thereof and possession of the said property shall be delivered when required by the Lead Authority.

SCHEDULE 7

MEMORANDUM OF PARTICIPATION IN THE BUS LANE

ADJUDICATION SERVICE JOINT COMMITTEE

Whereas the Secretary of State has by an Order under the provisions of The Transport Act 2000 ("the 2000 Act") designated []

Council as an Approved Local Authority for the purpose of Section 144 of the Transport Act 2000;

And whereas the Bus Lane Contraventions (Penalty Charges Adjudications and Enforcement) (England) Regulations 2005 ("The Regulations") provide that the functions conferred on each Approved Local Authority under Regulation 11 of the Regulations shall be discharged by it through a joint committee set up in pursuance of arrangements entered into by it under Section 101(5) of the Local Government Act 1972;

And whereas a number of Approved Local Authorities have entered into a Deed of Arrangements for the establishment of a joint committee known as the Bus Lane Adjudication Service Joint Committee ("BLASJC");

And whereas it is expedient that other Approved Local Authorities should have the opportunity of making similar arrangements to exercise their functions through the joint committee and the said Deed of Arrangements makes provision for such Approved Local Authorities to join in the said arrangements by means of this Memorandum;

And whereas the said Approved Local Authority is desirous of entering into the same arrangements as govern the setting up of the BLASJC with those Approved Local Authorities which are currently parties to the said arrangements and to that end wishes to become a party to those arrangements;

And whereas the said Approved 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 and any regulations made thereunder

NOW IT IS HEREBY AGREED

1. In the signing of this Memorandum the [] Approved Local Authority ("the Joining Approved Local Authority") shall become a party to the joint arrangements set out in the Agreement dated and forming Schedule 1 to this Memorandum as if the Joining Approved Local Authority had been named as a party in the said Deed of Arrangements but subject only to the modifications contained in this Memorandum.
2. By signing this Memorandum the Approved Local Authority hereby agrees to be bound by the terms set out in the said Deed of Arrangements subject only to the following modifications:
 - a) The agreement shall come into effect insofar as the Joining Approved Local Authority is concerned only on the date the Joining Approved Local Authority signs this Memorandum;
 - b) The Joining Approved Local Authority shall be liable to contribute under Clause 5.1 of the Deed of Arrangements and in accordance with the terms of

contribution currently in effect at the date of joining
which have been agreed by BLASJC which have been
notified to the Joining Approved Local Authority by the
Lead Officer in the letter which forms Schedule 2 to this
Memorandum

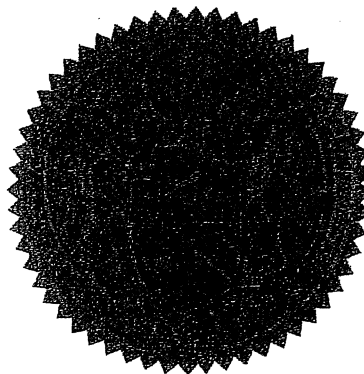
Signed

SCHEDULE 1

SCHEDULE 2
CONTRIBUTION LETTER

In witness whereof the Parties have executed and delivered this Deed the day
and year first before written.

THE COMMON SEAL of the COUNCIL
OF THE CITY OF MANCHESTER is
hereunto affixed pursuant to an Order of the
Council of the said City: -

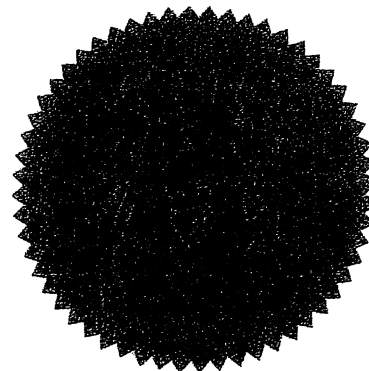


01034403

J. R. Lewis

Authorised Signatory

Executed as a deed by affixing
THE COMMON SEAL of HAMPSHIRE
COUNTY COUNCIL in the presence of: -



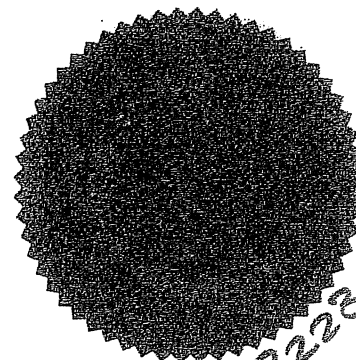
C. Bucklett
Authorised Signatory

36/8955

THE COMMON SEAL of BRIGHTON
AND HOVE CITY COUNCIL was
hereunto affixed in the presence of: -

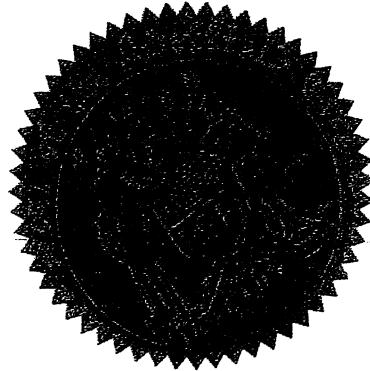
M. A. Ghebore-Ghouri

Authorised Signatory



22230

THE COMMON SEAL of SHEFFIELD
CITY COUNCIL was hereunto affixed
in the presence of: -



Authorised Signatory

**Assistant Chief Executive
Legal and Governance**

THE COMMON SEAL of NOTTINGHAM
CITY COUNCIL was hereunto affixed
in the presence of: -

Authorised Signatory



THE COMMON SEAL of READING
BOROUGH COUNCIL was hereunto
affixed in the presence of: -

Authorised Signatory

MINUTE	<i>Cabinet</i> <i>5 Dec 2006</i>
ORIGINATOR	
SEAL NO	<i>356/06</i>
CHECKED	<i>01</i>

SCHEDULE 2

CONTRIBUTION LETTER

Joint Committee Services
Barlow House, Minshull Street,
Manchester M1 3DZ
T 0161 242 5290
F 0161 242 5295
www.patrol-uk.info

The Joint Committee of England and Wales
for the civil enforcement of
Parking and Traffic Regulations Outside London

24 June 2011

Angela Drum
Head of Legal Services
Housing & Corporate Services
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

PATROL

Dear Ms Drum

**Application for Civil Bus Lane Enforcement Powers –
Bus Lane Adjudication Service Joint Committee - Service Charges
Medway Council**

I refer to Medway Council's introduction of civil bus lane enforcement on 18th July 2011. The Lead Authority (Manchester City Council) will be writing to you shortly to make arrangements for the council to become a party to the Bus Lane Adjudication Service 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 01/04/11 to 31/03/12
Annual Fee	£nil
PCN Fee	£0.65
Appeal Case Fee	£nil

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

Yours sincerely,



**Louise Hutchinson
Head of Service
Joint Committee Services**

Direct Line: 0161 242 5270
Email: lhutchinson@patrol-uk.info