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| London Councils’ Transport & Environment Committee | | | | | |
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| Environment and Traffic  Adjudicator Recruitment | | | | Item no: | 09 |
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| Report by: | Caroline Hamilton | Job title: | Chief Environment and Traffic Adjudicator | | |
| Date: | 13th October 2016 | | | | |
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**Summary:**

This report provides details of the proposed recruitment exercise for Environment and Traffic Adjudicators as mentioned in the chief adjudicator’s report to the Committee dated 16th October 2014.

**Recommendations:**

1. That the Committee agrees to the implementation of the proposed recruitment exercise.
2. That the Committee consents to the new terms and conditions for the appointment of Environment and Traffic Adjudicators (subject to the consent of the Lord Chancellor or nominated officer holder).
3. That the Committee consents to the introduction of the new pay structure allowing payments to be made by allocated lists as well as by hourly rate.

**Background:**

1. **Appointment requirements**

Adjudicators are part-time office holders appointed under the terms of section 81 of the Traffic Management Act 2004.

Section 81(2) The following provisions apply in relation to the office of adjudicator:

1. To be qualified for appointment as an adjudicator a person must have a 5 years general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990) (a barrister or solicitor).
2. an adjudicator is appointed for a term, not exceeding five years, specified in his instrument of appointment;
3. on the expiry of a term of appointment an adjudicator is eligible for re-appointment;
4. an adjudicator may be removed from office only for misconduct or on the ground that he is unable or unfit to discharge his functions, but otherwise holds and vacates office in accordance with the terms of his appointment.

The regulations also provide:

Section 81 (3) (a) for adjudicators to be appointed by the relevant enforcement authorities on such terms as those authorities may decide, and

(b) for the consent of the Lord Chancellor to be required for any decision by those authorities -

(i) to appoint a person as an adjudicator;

1. **Current adjudicators**

There are currently 34 qualifying adjudicators. A number of adjudicators offer the tribunal limited sitting times. 29 adjudicators offer regular sitting commitments, this can however be as little as one half day a week. Of the 29 offering sittings, a further 6 are due to retire within the next five years by reason of age. Others may retire prior to the age limit (70) in the current terms and conditions. This, with the increasing difficulty experienced in filling the full complement of hearing slots offered by the tribunal to parties seeking a personal appeal hearing (in particular, sittings on Saturday mornings, Monday early sittings and Thursday late sittings) has resulted in the proposal for recruitment. Recruitment will also potentially provide the Committee with the opportunity of recruiting a more diverse group of adjudicators.

1. **The proposal**

It is proposed that 30 adjudicators are appointed on a fixed four year non-renewable term. The new adjudicators will take up appointment in groups of 10 over a period of 18 – 24 months depending on the needs of the tribunal, thereby ensuring a variance in termination dates.

1. **Current terms and conditions**

Adjudicators are appointed for a term of 5 years. Under the current terms and conditions (appendix 1), in line with the provisions of the Traffic Management Act, at the end of the term, appointments are automatically renewed for a further five year period. It is proposed that terms and conditions for the new appointments are limited to a four year period with no provisions for renewal (appendix 2). This limited term of appointment reflects the terms now in place for a number of judicial office holders and corresponds with the expectation that the appointment as an environment and traffic adjudicator is a starting point for qualified persons seeking a judicial appointment within the courts and tribunal service (should the committee agree to this course the consent of the Lord Chancellor will need to be obtained to offer the fixed non-renewable term).

1. **Pay structure**

Adjudicators are currently paid by the hour rather than by sitting day. This is unusual for an office holder carrying out a judicial function. There is no proposal for a change in the hourly rate of pay (currently £55.09). It is however proposed that the adjudicators may be paid for a full day (amounting to the current equivalent of a 7 hour working day) or for a half day (amounting to the current equivalent of a 3 ½ hour working day) by way of a full day or half day appeal list. For each sitting period the adjudicator will receive a set list of appeals to determine. This option will allow for a better management of adjudicator time and will result in a more efficient and consistent throughput of cases.

1. **Cost implications**

The recruitment exercise will be at a cost. £15,000 is the estimated cost to cover the following items:

1. Advertising (Counsel Magazine/Law Society Gazette) example advertisement appendix 3).
2. Application sifting/interview letters – Time estimate will depend on number of applications received.
3. Interviews. It is proposed that interviews are conducted by the following panel: the chief adjudicator, an adjudicator, an independent assessor with experience of judicial appointment exercises. The interviews will include a written test and 30 minute interview. Time estimate 60 interviews 30 hours.
4. Preparation of report to TEC and to Lord Chancellor/rejection and appointment letters.
5. **Financial implications**

The Director of Corporate Resources comments that the estimated cost of the recruitment exercise as detailed above can be met from existing budgets. These costs will be incurred over the period of the recruitment campaigns during the 2016/17 and 2017/18 financial years. The proposal regarding the pay structure may have financial implications in future years once trends are identified they will be detailed and included in future years’ budgets as necessary.

1. **Legal implications**

There are no legal implications for London Councils.

1. **Equalities implications**

There are no equalities implications from this report.

1. **Recommendations**
2. That the Committee agrees to the implementation of the proposed recruitment exercise.
3. That the Committee consents to the new terms and conditions for the appointment of Environment and Traffic Adjudicators (subject to the consent of the Lord Chancellor or nominated officer holder).
4. That the Committee consents to the introduction of the new pay structure allowing payments to be made by allocated lists as well as by hourly rate.

**11. Appendices**

Appendix 1 – Parking Adjudicators for London Current Terms and Conditions

Appendix 2 – Environment and Traffic Adjudicators for London Terms and Conditions of Appointment

Appendix 3 – Draft Advertisement for Environment and Traffic Adjudicators