

London Councils' Transport & Environment Committee

Environment and Traffic
Adjudicator Recruitment

Urgency
Procedures

Report by: Caroline Hamilton

Job title: Chief Environment and Traffic
Adjudicator

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Summary:

This report seeks the appointment of 11 Environment and Traffic Adjudicators further to the recruitment exercise detailed in the previous report to the Transport and Environment Committee dated 13th October 2016.

Recommendation:

That the Committee appoints the candidates identified below as Environment and Traffic Adjudicators, further to the requirements of the Traffic Management Act 2004.

Background:

1. Appointment requirements

Adjudicators are part-time office holders appointed by the 'single joint committee' (in London and Greater London, the Transport and Environment Committee) under section 81 of the Traffic Management Act 2004 with reference to section 15 of Part 4 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

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

- (a) 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).

- (b) an adjudicator is appointed for a term, not exceeding five years, specified in his instrument of appointment;
- (c) on the expiry of a term of appointment an adjudicator is eligible for re-appointment;
- (d) 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;

2. The recruitment exercise

Advertisements were placed in the recruitment pages of each profession's recognised journal: The Law Society Gazette (online) (solicitors) and the Bar Counsel Magazine (barristers).

Candidates meeting the eligibility criteria were interviewed over four days by a panel consisting of the chief adjudicator, senior adjudicator Mr Michael Greenslade and Mr Graham Addicott (lay member).

The interview process included a written test, requiring the candidate to consider an appeal scenario and draft a sample determination.

3. The following 11 candidates are considered by the panel to be suitable for appointment:

1. Alderson, Pippa (barrister 1993)
2. Brownhill, Ian (barrister 2009)
3. Harris, Richard (barrister 1997)
4. Iqbal, Samina (barrister 1999)
5. Oliver, Michael (solicitor 2011)
6. Patel, Dharmesh (solicitor 2006)
7. Prokofiev Cordelia (solicitor 2011)
8. Silk, Susan (solicitor 1994)
9. Stott, Mathew (barrister 2005)
10. Udom, Ini (barrister 2002)
11. Walsh, Jack (barrister 2006)

4. Each appointment made by the Transport and Environment Committee is subject to the consent of the Lord Chancellor and does not take effect until such consent has been obtained.

The chief adjudicator will be responsible for completing the second stage of the appointment process, namely securing the Lord Chancellor's consent.

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(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;

5. Financial implications

The cost of the recruitment exercise is being met from existing budgets. The actual sitting costs of each adjudicator are charged directly to the boroughs.

6. Legal implications

There are no legal implications for London Councils arising directly from this report. However, the adjudicators are office holders appointed under the Traffic Management Act 2004 and sit alone as a tribunal. They determine appeals against liability for parking, moving traffic, bus lane, London lorry control, litter and waste penalties imposed by the London Local Authorities and Transport for London. TEC has a statutory duty to provide administrative support for the Environment and Traffic Adjudicators.

To be qualified for appointment as an Environment and Traffic Adjudicator, a person must have a five year general qualification within the meaning of Section 71 of the Courts and Legal Services Act 1990, i.e. a right of audience in any class of proceedings in any part of the Supreme Court or in all proceedings in the County Courts or Magistrates' Courts, Section 102 of the Senior Courts Act 1981 and Section 9 of the County Courts Act 1994, both as amended by Schedule 10 to the Courts and Legal Services Act 1990.

Appointments can only be made with the consent of the Lord Chancellor under the provisions of section 81 of the Traffic Management Act 2004.

7. Equalities implications

There are no equalities implications for London Councils arising directly from this report. However, the recruitment exercise was carried out in an open and transparent manner with a statement that TEC will appoint the candidates who appear to them to be best qualified, regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or disability and that TEC and the Lord Chancellor are committed to equality of opportunity in the

appointment process and encouraged and welcomed applications from women, ethnic minorities and disabled lawyers.

8. Recommendation

That the Committee appoints the named candidates as Environment and Traffic Adjudicators:

Alderson, Pippa
Brownhill, Ian
Harris, Richard
Iqbal, Samina
Oliver, Michael
Patel, Dharmesh
Prokofiev Cordelia
Silk, Susan
Stott, Mathew
Udom, Ini
Walsh, Jack