

# **Greater London Authority (GLA)**

## **Road User Charging Appeal Service**

### **Appendix 7 –**

#### **Role of the Chief Adjudicator and Adjudicators Statement of Requirements**

## **1. Introduction**

- 1.1 The Appeal Service is an independent judicial body providing adjudication provision for Appeals made against Transport for London's (TfL) decision to reject Representations made against Penalty Charge Notices issued under the Road User Charging Scheme(s) operated by TfL.
- 1.2 Currently these Schemes are the Central London Congestion Charging Scheme and the London Low Emission Zone. Both Schemes fall under the adjudication provisions set out in the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 as amended, the 'Enforcement Regulations' and the relevant 'Schedule' to it.
- 1.3 Adjudicators are appointed by the Lord Chancellor.
- 1.4 Adjudicators are supported by administrative staff and have facilities provided for them to enable them to sit and determine Appeals. GLA as the authority are required to make provision for these services and undertake this through appropriate outsourcing.
- 1.5 The Adjudicators are guided and managed by a Chief Adjudicator; subject to the provisions of the Schedule, an Adjudicator may regulate his own procedure and this is primarily derived through the Chief Adjudicator.

## **2. Chief Adjudicator Role**

- 2.1 The Chief Adjudicator is a judicially appointed role and is the representative head of the 'Tribunal' which encompasses the Adjudicators. The Chief Adjudicator is accountable to the Lord Chancellor by way of appointment but also to GLA. The Chief Adjudicator is not an employee of either GLA or the Service Provider, albeit that Payroll and other such services shall be provided for the Chief Adjudicator and Adjudicators by the Service Provider.
- 2.2 The role of the Chief Adjudicator means they work very closely with and in conjunction with the Service Provider and the role aims to ensure a smooth and cost efficient delivery of the Decision making aspects of the Adjudication role; The role extends through to 'managing' the Adjudicators in terms of administration and setting and determining policy and procedural guidelines, training and development and dealing with complaints. This also extends to a range of other functions including the consideration of and distribution of cases to the Adjudicators for them to hear.
- 2.3 The Chief Adjudicator has a wide role to play within the operation of the Tribunal with duties covering and not limited to:

- Appointing Adjudicators with leave of the Lord Chancellor;
- Determining the terms and conditions of such appointments and extending appointments;
- Defending legal proceedings brought against Adjudicators;
- Acting as the point of contact for media relations and promoting the work of the Tribunal.

2.4 The role of the Chief Adjudicator also extends into dealing with complaints made against Adjudicators under the Appeal Service's complaints policy and includes an advisory role in relation to the Proper Officer and the Tribunal's Support Staff.

2.5 In addition the Chief Adjudicator has an advisory and informative role as they are required to produce an Annual Report.

### **3. Adjudicator Role**

3.1 Adjudicators are appointed in accordance with Regulation 3 of The Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, as amended.

3.2 Their role is set out by Regulations 11(2) and 16(2) of the same Regulations which states that an Adjudicator "shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in regulation 10(3) or regulation 13(3)".

3.3 An Adjudicator's role does not allow them to consider factors which fall outside of the Grounds mentioned in Regulations 10(3) or 13(3) and accordingly what might be described as 'mitigating factors'. These are matters for TfL.

3.4 Adjudicators act and determine Appeals independently. They are not employees of either GLA or the Service Provider.

3.5 Adjudicators provide all parties in the Appeals process with independent, impartial and well-considered Decisions based on clear findings of fact and proper application of Law.

3.6 Adjudicators have and maintain the appropriate knowledge, skills and integrity to make those Decisions.

3.7 Adjudicators ensure that all parties to Road User Charging Appeals are treated equally and fairly regardless of age, ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or disability.

3.8 Adjudicators aim to enhance the quality and integrity of the Road User

Charging Appeals process.

#### **4. Support Staff Role**

4.1 The Support Staff provide administrative support to the Adjudicators including and not limited to:

- Customer service support;
- Processing of Appeals and resolving queries over Appeals;
- Scheduling Hearings.

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