

REPORT FOR RESOLUTION

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN THE
ADJUDICATORS AND THE JOINT COMMITTEES

REPORT OF: The Chief Adjudicator

PURPOSE OF REPORT

To seek approval of a Memorandum of Understanding between the Adjudicators and the Joint Committee.

RECOMMENDATIONS

The Joint Committee is recommended:

1. To approve the Memorandum of Understanding between the Adjudicators and the Joint Committee.
2. To agree that the Memorandum of Understanding will be a core governance document for the Joint Committee which will inform the Joint Committee's Schemes of Delegation and the Service Level Agreement with the Lead/Host Authority.
3. To agree to review the Memorandum of Understanding at the Joint Committee's annual meeting each year.

CONTACT:

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1. BACKGROUND

1.1 The relationship between the Adjudicators and the Joint Committee is derived from and governed by the Traffic Management Act 2004 (TMA) and regulations made under it which:

- a) establishes the office of Adjudicator
- b) prescribes the roles and responsibilities of the Adjudicators and the Joint Committee.

1.2 The Joint Committee has been established to enable councils undertaking civil parking enforcement to exercise their functions under Section 81 of the Traffic Management Act 2004 and Regulations 17 and 18 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. These functions are required to be exercised jointly with other councils in accordance with Regulation 16

1.3 Wales have separate regulations for parking enforcement, the Regulations are The Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication (Wales) Regulations 2008. Regulations 17 and 18 are mirrored by Regulations 9 and 10 in Wales, and Regulation 16 in England is Regulation 8 in Wales.

1.4 So far as Adjudicators are concerned, the functions of the Joint Committee are as follows:

- a) With consent of the Lord Chancellor, to appoint and reappoint Adjudicators
- b) To remove Adjudicators from office with the agreement of the Lord Chancellor and Lord Chief Justice
- c) To determine the place at which Adjudicators are to sit.

The Joint Committee has formally delegated the above functions to the Chief Adjudicator.

1.5 The Joint Committees' functions also include:

- Providing accommodation, administrative staff (and resources) for the Adjudicators
- Defraying expenses incurred in the parking and bus lane Adjudicators performing their function.

1.6 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 Committee on the discharge of his/her function. The Joint Committee has agreed that this requirement will be fulfilled by the Chief Adjudicator.
- The Joint Committees shall make and publish an annual report in writing to the Secretary of State on the discharge of the Adjudicators and their functions.

2 MEMORANDUM OF UNDERSTANDING

2.1 The transfer to a new Host Authority has highlighted the importance of clarity and understanding of the respective roles of the Adjudicators, Joint Committee and the Host Authority.

2.2 The Memorandum of Understanding (MOU) highlights the shared commitment of the Adjudicators and the Joint Committee to:

“A fair adjudication service for appellants including visible independence of adjudicators from the authorities in whose area they are working.”

2.3 The purpose of the MOU is to clarify the relationship between the Adjudicators and the Joint Committee and the shared requirement to preserve judicial independence.

2.4 The MOU seeks to provide an instrument to support our understanding of how the Parking and Traffic Regulations Outside London Joint Committee agreement will be delivered.

2.5 The MOU (Appendix 1) sets out principles to support the independence of the Traffic Penalty Tribunal, the functions of the Adjudicators and Joint Committee, the role of the Chief Adjudicator, the Chief Officer, the Proper Officer, accommodation and administrative staff, defraying the expenses of the Tribunal, the Advisory Board and the Host Authority role

2.6 The MOU will form part of the Joint Committee’s governance documentation and will be reviewed on an annual basis.

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