

Delegation of Off Street Parking Processing Functions

Report of the County Solicitor

<p>Please note that the following recommendation is subject to confirmation by Committee before taking effect.</p>
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Recommendations:

That the Committee agrees to the following delegation of function in relation to off-street parking and amend the Constitution accordingly:

The provision by the County Council of a fully managed service (utilising County Council staff and back office IT system) to process the Penalty Charge Notices issued by the City Council.

The specifics of this delegation are outlined in Appendix 1.

1. Introduction

Exeter City Council is responsible for off street parking pursuant to the Road Traffic Regulation Act 1984 and has a number of car parks for the purposes of providing off street car parking within its administrative boundary.

The County Council is responsible for on-street parking and has a team of officers providing back office support to its on-street car parking function.

The County Council and City Council would like to enter into a delegation agreement so that the County Council will undertake on behalf of the City Council certain parking services.

2. Background

As a single in-house service was formed in April 2014, the Authority benefited from significant economies of scale in delivering their parking enforcement service.

Devon County Council's Traffic Management Team are committed to sharing the benefits of this economy of scale by supporting other Authorities in delivery of their services where mutually beneficial.

3. Proposal

The opportunity has arisen to assist Exeter City Council in the processing and handling of penalty charge notices issued in their off street parking areas. A delegation is proposed to allow the County Council to provide services, including the handling of

appeals, and debts. The frontline enforcement activity will still be conducted by Exeter City Councils staff.

There will be a three year agreement which will also be in respect of accommodation for DCC operations staff. The processing service provided will be of equal value to accommodation so effectively a nil financial transfer.

4. Constitution

In line with Articles 4 of the Constitution 'Functions of the full Council', the decision whether or not to accept a delegation of functions from another local authority is reserved to the Council.

5. Summary Conclusion

The purpose of this report is to obtain the necessary approval in relation to the delegation of the functions to Devon County Council.

JAN SHADBOLT

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

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<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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Nil

Appendix 1

Specifically the County Council will:

(a) provide during the Agreement to the City Council Hardware for use by the City Council officers responsible for issuing Penalty Charge Notices;

(b) provide during the Agreement to the City Council adequate Consumables for use by the City Council Officers responsible for issuing Penalty Charge Notices;

(c) provide at all times during the Agreement via the Hardware a link back to the County Council's processing system;

(d) provide a telephony system so that all telephone enquiries relating to Penalty Charge Notices are directed away from the City Council front desk to the County Council;

(e) provide an appropriate number of processing staff in order to manage the above mentioned services, including dealing with telephone calls and correspondence, and the handling and processing of appeals;

(f) deal with all representations, correspondence and appeals arising from the issue of Penalty Charge Notices and any other charges, both informal and formal representation and appeals that are taken to the Adjudication Service after consent of the City Council.

(g) collect monies in respect of Penalty Charge Notices on behalf of the City Council and arrange transfer of such monies to the City Council;

(h) provide a debt recovery service including registry of debt to Traffic Enforcement Centre;

(i) the Parties are able to enter into this Agreement by virtue of Section 19 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which enables one local authority to delegate Executive functions to another.