



Cabinet
15 December 2014

**Report from the Strategic Director of
Environment and Neighbourhoods**

For Action

WARDS: All

**Delegation of powers to London Councils Transport and
Environment Committee: Appeals service for parking on private
land.**

1.0 Summary

- 1.1 This report asks members to confirm previous arrangements and agree the ongoing delegation of powers to the London Councils Transport and Environment Committee Joint Committee (LCTEC) for the purpose of providing an appeals service for parking on private land via a contract, and that members agree that the LCTEC Governing Agreement be formally varied accordingly. The service has been provided on a cost recovery basis by London Councils through a contract with the British Parking Association since October 2012 and it is proposed that it should continue in this way until the end of the contract period in October 2015.

2.0 Recommendations

That Cabinet:

- 2.1 formally confirm that the functions delegated to London Councils Transport and Environment Committee to enter into the arrangements with the British Parking Association were and continue to be delivered pursuant to section 1 of the Localism Act 2011;
- 2.2 expressly delegate the exercise of section 1 of the 2011 Act to London Councils Transport and Environment Committee for the purpose of providing an appeals service for parking on private land under contract on a full cost recovery basis; and
- authorise the Strategic Director Environment and Neighbourhoods to take all relevant steps to give effect to the matters set out in 2.1 and 2.2 above through a formal variation to the LCTEC Governing Agreement

3.0 Detail

- 3.1 This report arises following a report to the LCTEC on 11th September 2014 a copy of which is attached as **Appendix 1**. The LCTEC agreed at that meeting to recommend to participating Councils that the aforementioned resolutions be made.
- 3.2 The background to this matter as set out in the attached report is that on 15th March 2012 LCTEC agreed that London Councils should provide an appeals service for parking on private land for the British Parking Association (BPA) under contract on a cost-recovery basis. On 14th June 2012, LCTEC received a report to say that the basis for providing such a service had been accepted by the BPA and agreed that a contract should be entered into to provide the service. The service, known as POPLA (Parking on Private Land Appeals) started on the 1st October 2012 and has since provided the appeals service to more than 25,000 motorists. The service operates on a full cost recovery basis.
- 3.3 An objection was raised on the London Councils consolidated accounts by an interested person that LCTEC did not have the legal power to provide the service. London Councils' auditors, PWC, have been investigating this. There are legal points in support of the contention that it has been properly delegated, but there are some arguments that it should have been more specifically stated.
- 3.4 In order to clarify, for any avoidance of doubt, the authority of LCTEC to deliver the POPLA service and to facilitate a conclusion to the issue with the Auditor PWC and the objector, the LCTEC recommend that the participating councils affirm the original position delegating authority to act to LCTEC in this regard, expressly delegate in detail the power for the future, and resolve to amend the agreement with LCTEC accordingly.

4.0 Financial Implications

- 4.1 There are no financial implications for the Council arising from these recommendations

5.0 Legal Implications

- 5.1 Under the Localism Act 2011 section 1 the Council has wide powers to enter into arrangements for a variety of activities. The Cabinet has authority under the Local Government Act 2000 and regulations made thereunder to delegate functions to a joint committee. It is therefore open to members to delegate powers to the LCTEC for the purposes outlined and it is prudent to make such express provision moving forwards. As for the position in the past, this is for the reasons outlined in the attached report not as clear as it could be and the proposed resolution adds some clarity to the position. Attached as **Appendix 2** is further legal advice which is exempt from publication.

6.0 Diversity Implications

6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

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