

**MEMBER QUESTIONS TO PORTFOLIO HOLDER at Place Scrutiny Committee – 9  
March 2017**

*Response to be made by Councillor Denham Portfolio Holder Economy*

**Questions from Councillor Prowse and precis of response below.**

**Question 1**

At the recent Full Council, I tabled several questions regarding the current position of just who is dealing with Penalty Charge notice appeals issued by this authority in our own car parks.

The reply to Question (i) stated “Devon County Council has never dealt with Exeter City Council’s appeals”. This reply is erroneous. What should the reply have been?

**Response**

Councillor Denham responded to the question and stated that the reply was not erroneous and it was correct and she was confident in position with the reply previously given at Council held on 21 February 2017.

Councillor Prowse asked a supplementary question relating to the staff who dealt with appeals and was aware that an employee of Devon County Council was used, and they were employed on secondment by Exeter City Council, one day a week and acted on behalf of the City Council.

**Question 2**

The reply to Question (f) at Council states “I do not agree that the Council is in breach of its statutory obligations. There is no breach of an Act of Parliament. I accept that the Council has not followed the guidance on this point. (my underlining). The only issue to be complied with is to clarify the post which deals with appeals against Penalty Charge Notices.

Can the Portfolio Holder give an indication when this will be? What is the position during the intervening period?

**Response**

Councillor Denham stated that the post would be identified in the City Council's Constitution, and a report to this effect will be presented to Executive on 11 April and Council on 25 April. The approach would not change during the intervening period, but met with best practice guidance.

Councillor Prowse asked a supplementary question and was concerned about having no agreement which was procedural in propriety?

Councillor Denham confirmed that the stance was following best practice guidance and the approach in the interim period had not impacted on the validity of the Act.