

## **REPORT TO COMMITTEE**

**Date of Meeting: Scrutiny 14 June and Executive 10 July 2018**

**Report of: Service Manager Community Safety & Enforcement**

**Title: Parking Back Office Agency Agreement**

### **Is this a Key Decision?**

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### **Is this an Executive or Council Function?**

**Executive**

#### **1. What is the report about?**

- 1.1 To seek approval from Executive for Devon County Council to provide parking back office function to the Authority under an agency agreement.

#### **2. Recommendations:**

- 2.1 That Executive authorise the Authority to enter into a 5 year agency agreement with Devon County Council to provide Parking back office function.

#### **3. Reasons for the recommendation:**

- 3.1 To ensure Penalty Charge Notice administration and other parking back office work is undertaken as per DfT statutory guidance.

#### **4. What are the resource implications including non-financial resources.**

- 4.1 There will be no cost involved. In return for providing this service Devon County Council will be taking up operational occupation of empty office space at John Lewis car park. Terms of formal lease have been agreed with Corporate Property.

#### **5. Section 151 Officer comments:**

This agreement is cost neutral and therefore does not result in any additional financial pressures for the Council.

#### **6. What are the legal aspects?**

- 6.1 Please see Monitoring Officer comment below.

#### **7. Monitoring Officer's comments:**

In order to ensure the parties to the agency agreement have certainty and clarity regarding the speed and level of service to be provided, legal services should be instructed to prepare the agency agreement before the service commences. This agreement should set out the mechanism to terminate both the agency agreement and lease since that may be necessary at some stage in the future.

**8. Report details:**

- 8.1 Between 2008 and 2013 the parking back office function in Exeter was carried out by four officers. Three of these posts were funded by DCC and one by ECC due to the City Council undertaking on-street parking enforcement for the County at this time.
- 8.2 In April 2013 DCC took back operation of on-street enforcement and three back office staff were transferred from ECC to DCC under TUPE.
- 8.3 The officer funded by ECC remained in post until resigning in 2016. Since then ECC have covered the role by seconding a DCC officer one day a week for the more technical aspects of the role. More generic tasks have been absorbed by existing generic admin support staff.
- 8.4 The current arrangement is an extension of a temporary solution put in place following the resignation in 2016. It has worked sufficiently well but offers little resilience in the event of staff sickness or holidays.
- 8.5 In entering an agency agreement for DCC to act as the parking back office for ECC we can be assured that qualified and experienced staff are administering Penalty Charge Notices with the relevant independent consideration of challenges and appeals by officers in a larger team.
- 8.6 All off-street enforcement will continue to be carried out by ECC. DCC will simply process Penalty Charge Notices issued by our own officers in line with our own policy.
- 8.7 DCC will also deal with Debt Collection processes and FOI enquiries in relation to penalty Charge Notices which will help free up capacity of ECC officers who have absorbed these tasks.
- 8.8 The level of service provided by DCC will be in line with the commercial rent value of the empty offices at John Lewis car park they will be occupying for their on-street parking enforcement operations. In effect this is anticipated to be a cost neutral agreement beneficial to both parties.

**9. How does the decision contribute to the Council's Corporate Plan?**

- 9.1 Effective parking enforcement and processing helps support viability of city centre economy.

**10. What risks are there and how can they be reduced?**

- 10.1 External legal advice already received to confirm proposed agency agreement complies with relevant Traffic Management Act legislation.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

- 11.1 None.

**12. Are there any other options?**

- 12.1 Continue with informal secondment arrangement with associated risk of DCC ceasing it without notice.

Steve Carnell  
**Service Manager Community Safety & Enforcement**

**Local Government (Access to Information) Act 1972 (as amended)**  
**Background papers used in compiling this report:-**

None

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