

**QUESTION FOR PORTFOLIO HOLDER
UNDER STANDING ORDER NO.20
SCRUTINY COMMITTEE – ECONOMY –7 MARCH 2013**

Councillor Prowse asked the following questions in relation to an Unnamed City Car Park Station Road Exeter to which Councillor Sutton replied (*in italics*)

Unnamed City Car Park, Station Road, Exeter City Council

My enquiries reveal recently we have allowed a private company to conduct enforcement in a car park we own, in effect this car park has been privatised -.

A – Councillor Sutton stated that this particular car park did not fall within her portfolio, as it was a parks responsibility (a function that rested with Councillor Sheldon, the Portfolio Holder for Environment and Leisure)) but having consulted Councillor Sheldon she advised that she was able to answer Councillor Prowse’s questions as far as she was able.

a) When did this take place?

A - A lease of the Station Road car park was granted on 3rd May 2012.

b) Can the Portfolio Holder confirm that this subject was never dealt with by any Scrutiny Committee or Executive?

A – This subject was not dealt with by any meeting of the Scrutiny Committee or Executive, nor would it have needed to be. The grant of a lease of land such as this would be covered by delegated powers.

c) Do the Leader and the Chief Executive know this?

A –The Leader and Chief Executive would be aware of the general principle of some car parks being regulated by private sector contractors as it was a long established practice.

d) Can the Portfolio Holder explain how such a departure from known protocols of this Council happen?

A – This was not a departure from "known protocols". The authority to grant leases is covered by delegated powers and there was a long-established operating model of using private parking contractors to manage those Council-owned parking areas that have never been part of the core car parking stock and was therefore not regulated by the Parking Places Order.

e) Why was this car park not included in the recent Parking Places Amendment Order 2013?

A – This car park was not included, because it has never been in the original Order and was not part of the Civil Enforcement Area.

f) Who scrutinised the contract between ECC and the private partner?

A – The operational requirement emanated from the Parks Department, Estates negotiated the terms and the Legal Department drew up the lease.

g) How many times has this Council as landowner authorised a debt company to collect unpaid fines, or instruct bailiffs to collect unpaid debts ?

A – There was no explicit authorisation of this nature in respect of this site and lease.

- h) Has the Legal Department of this Council confirmed that all the legal documents issued by this company are correct, and in compliance with all current regulations regarding consumer protection?
A – The documents and compliance to regulations were, to her knowledge, correct.

2. **Registering Unpaid Penalty Charge Notices**

Please confirm whether this Council applies in its own name to the Traffic Enforcement Centre on behalf of Devon County Council in respect of registering unpaid Penalty Charge Notices.

A- The applicant for on-street unpaid Penalty Charge Notices is Devon County Council (with Exeter City Council), and for off-street unpaid Penalty Charge Notices, the applicant is Exeter City Council.

3. **Supplementary Question**

Councillor Prowse referred to the unnamed car park in Station Road Park and to a previous enquiry in 2007 over concern that commuter traffic was parking all day, leaving no space for people who wanted to come and enjoy the riverside area. He accepted the stance over the lack of spending on this particular car park, but as it was now a pay and display—why had the Legal Department no knowledge of the issues per se including the signage. He suggested the company monitoring was not as it ought to be.

A –Councillor Sutton agreed to look into this matter with Councillor Sheldon with a view to looking at the general issue of private sector enforcement in some of our car parks. She thanked Councillor Prowse for highlighting this issue.

Councillor Prowse thanked Councillor Sutton for her reply.