

CARLISLE CITY COUNCIL

Report to:-

THE MAYOR AND MEMBERS OF THE COUNCIL

Date of Meeting:-

04 MARCH 2003

Agenda Item No:-

16(a)

Public	Policy/Operational/Information	Delegated Yes
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Accompanying Comments and Statements	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	No	No
Personnel Comments:	No	No
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Title:-	PROPOSAL TO UNDERTAKE DECRIMINALISED PARKING ENFORCEMENT FOR EDEN DISTRICT COUNCIL	
Report of:-	THE HEAD OF LEGAL AND DEMOCRATIC SERVICES	
Report reference:-	LDS.14/03	

Summary:-

The Report indicates the necessity under current Regulations of obtaining formal Council approval to the proposal by the Executive to enter into arrangements with Eden District Council for the Executive to carry out Decriminalised Parking Enforcement on behalf of Eden.

Recommendation:-

It is recommended that the Council formally agree to the proposed arrangement with Eden District Council being entered into whereby the City Council will undertake Decriminalised Parking Enforcement, on behalf of Eden, subject to the detailed terms of the Agreement being finalised by the Heads of Commercial and Technical, Legal and Financial Services.

Contact Officer: John Egan

Ext: 7004

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. The Executive at its meeting on 27 January 2003, agreed in principle to proposals to enter into arrangements with Eden District Council for the City Council to undertake Decriminalised Parking Enforcement on Eden's behalf. Copies of the relevant Executive minute and report are attached.
2. Powers are available to enable the City Council to do this under, inter alia, the Local Authorities (Goods and Services) Act 1970.
3. Once the Agreement is entered into, it would be the responsibility of the City Council's Executive to carry out the relevant enforcement functions. However, under current regulations relating to such arrangements in the form of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 the full Council has to make the decision whether or not to agree to enter into the arrangements. Hence, this Report is presented to full Council seeking formal consent to the principle of entering into such arrangements prior to the detailed Agreement being worked up by Officers.

J Egan

Head of Legal and Democratic Services

EXCERPT FROM THE MINUTES OF EXECUTIVE HELD ON 27 JANUARY 2003

EX.013/03 DECRIMINALISED PARKING – EDEN DISTRICT COUNCIL (Key Decision)

(Public and Press excluded by virtue of Paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972)

(With the consent of the Chairman and in accordance with Rule 15 of the Access to Information Procedure Rules, this item had been included on the Agenda as a key decision, although not in the Forward Plan)

Portfolio Infrastructure, Environment and Transport

Subject Matter

To consider a report from the Head of Commercial and Technical Services (CTS.4/03) detailing the outcome of Officer level discussions with Eden District Council over proposals for Eden to implement decriminalised parking enforcement in their area. This has culminated in Eden giving a formal notification requesting the City Council to enter into a contractual agreement to undertake the parking enforcement in Eden. This would require a formal agreement being entered into and which would require comprehensive input from the Head of Legal and Democratic Services and Head of Finance. A draft agreement had now been received from Eden, who were keen to progress implementation by 27 February 2003 and, subject to approval in principle, had offered to meet all costs incurred to achieve this. A risk assessment would also be prepared for this venture.

The Head of Legal and Democratic Services indicated that the agreement was being scrutinised and that legal powers under the Local Authorities Goods and Services Act 1970 would be used and, if relevant, the Local Government Act 1972. When finalised, the agreement would need to be formally approved by the City Council.

Summary of options rejected

None

DECISION

1. That the Executive agree in principle to the City Council entering into a contractual agreement to implement and undertake decriminalised parking enforcement in Eden District Council's area.

2. That the details of the agreement be finalised by the Head of Commercial and Technical Services and the Portfolio Holder for Infrastructure, Environment and Transport in conjunction with the Head of Legal and Democratic Services and the Head of Finance.
3. That the final agreement be referred to the City Council for formal approval.

Reasons for Decision

The service in Eden is approximately 25% of that currently operated in Carlisle and it is considered that the work can be effectively undertaken by the City Council without any detrimental impact to current operations. In addition, this partnership working incorporates the ethos of the Local Strategic Partnership.



REPORT TO EXECUTIVE

PORTFOLIO AREA: INFRASTRUCTURE, ENVIRONMENT AND
TRANSPORT

Date of Meeting: 27th January 2003

Private Not for publication by virtue of paragraph 9 of Part 1 of Schedule 12A of the Local Government Act 1972

Key Decision: Yes Recorded in Forward Plan: No

Inside Policy Framework

Title: DECRIMINALISED PARKING ENFORCEMENT - EDEN
DISTRICT COUNCIL

Report of: HEAD OF COMMERCIAL & TECHNICAL SERVICES

Report reference: CTS 04/03

Summary:

This report outlines the option for the City Council to extend its existing decriminalised parking operations into Eden.

Recommendations:

It is recommended:

- (i) That the Executive agree in principle to the City Council entering into a contractual agreement to implement and undertake decriminalised parking enforcement in Eden.
- (ii) The details of the agreement be finalised by the Head of Commercial and Technical Services and the portfolio holder for Infrastructure, Environment and Transport in conjunction with the Heads of Legal and Financial Services.

M Battersby

Head of Commercial and Technical Services

Contact Officer: Michael Battersby

Ext: 7400

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 Eden District Council is progressing the option, with the Highway Authority, to implement decriminalised parking enforcement in their area. They originally sought to progress the management of this through a tendering process to which the City Council responded. They subsequently aborted this process and detailed discussions have been undertaken between Officers of each Authority. This culminated in the Council putting forward an outline proposal to Eden which effectively 'bolted-on' the service to that currently operated in Carlisle.
- 1.2 The service in Eden is approximately 25% of that currently operated in Carlisle and it is considered that whilst the detailed proposals have to be agreed this can be effectively undertaken without any detrimental impact and minimal risk to the current operations. Legal powers for the Council to undertake this service are incorporated within Section 19 of the Local Government Act 2000. In addition this partnership working incorporates the ethos of the Local Strategic Partnership.
- 1.3 A formal notification has now been received requesting the Council to enter into a contractual agreement to undertake the parking enforcement in Eden. It may take several weeks to finalise any agreement which would also require the comprehensive input of the Heads of Legal and Financial Services. Eden wish to progress the implementation as soon as possible and subject to approval in principle have offered to meet all costs incurred to achieve this.

2. CONSULTATION

- 2.1 Consultation to Date. Eden District Council and Cumbria County Council.
- 2.2 Consultation proposed. Eden D.C. workforce and Trades Union representatives.

3. STAFFING/RESOURCES COMMENTS

- 3.1 Should the Council proceed there would be 1 fte transferred from Eden under TUPE for the duration of the Agreement. Approx. 2 fte new posts would be created.

4. HEAD OF FINANCE COMMENTS

There are a number of contractual and financial issues which arise from this proposal, and these must be resolved prior to entering into the contract.

5. LEGAL COMMENTS

The arrangement would be entered into in accordance with the powers contained within Section 19 of the Local Government Act 2000 and the Regulations flowing therefrom, namely the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000.

6. CORPORATE COMMENTS

Not applicable.

7. RISK MANAGEMENT ASSESSMENT

- 7.1 A detailed risk assessment is being prepared to ensure that these are addressed within the agreement to minimise the risk to the City Council.

8. EQUALITY ISSUES

Not applicable.

9. ENVIRONMENTAL IMPLICATIONS

Not applicable.

10. CRIME AND DISORDER IMPLICATIONS

Not applicable.

11. RECOMMENDATIONS

It is **recommended**:

- (iii) That the Executive agree in principle to the City Council entering into a contractual agreement to implement and undertake decriminalised parking enforcement in Eden.
- (iv) The details of the agreement be finalised by the Head of Commercial and Technical Services and the portfolio holder for Infrastructure, Environment and Transport in conjunction with the Heads of Legal and Financial Services.

12. REASONS FOR RECOMMENDATIONS

As above.