

# DELEGATION TO LONDON COUNCIL'S TRANSPORT & ENVIRONMENT COMMITTEE IN RELATION TO THE PAN-LONDON PARKING APPEALS SERVICE ON PRIVATE LAND 'POPLA'

<b>Cabinet Member</b>	Councillor Keith Burrows
<b>Cabinet Portfolio</b>	Planning, Transportation and Recycling
<b>Officer Contact</b>	Mark Braddock, Administration Directorate
<b>Papers with report</b>	Memorandum of Participation Variation to the Governing Agreement

## 1. HEADLINE INFORMATION

<b>Summary</b>	Cabinet is asked to make the necessary decisions, on Hillingdon's part, to continue the legal operation of a parking appeals service for parking on private land across the Capital, known as POPLA.
<b>Contribution to our plans and strategies</b>	<b>Putting our Residents First:</b> <i>Our People</i>
<b>Financial Cost</b>	None.
<b>Relevant Policy Overview Committee</b>	Corporate Services & Partnerships
<b>Ward(s) affected</b>	All

## 2. RECOMMENDATION

That Cabinet:

1. Formally confirm that the functions delegated to London Councils' Transport & Environment Committee (LCTEC) 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. Expressly delegate the exercise of section 1 of the 2011 Act to LCTEC for the purpose of providing an appeals service for parking on private land under contract on a full cost recovery basis;
3. Amend the LCTEC Governing Agreement to this end and;
4. Authorise the Borough Solicitor to sign, execute and return the Memorandum of Participation on this Council's behalf.

## Reasons for recommendation

Cabinet is being recommended to make the necessary delegation and decisions, on Hillingdon's part, to continue the operation of pan-London appeals service for parking on private land for the British Parking Association under contract.

## Alternative options considered / risk management

Cabinet could decide not to support the operation of this service, which could potentially put its ongoing operation across London in jeopardy.

## Policy Overview Committee comments

None at this stage.

## 3. INFORMATION

### Supporting Information

[POPLA](#) (the Parking on Private Land Appeals Service) started on the 1<sup>st</sup> October 2012 and has since provided the appeals service to more than 25,000 motorists. The service operates on a full cost recovery basis and at no cost to London taxpayers. This service complements that of the Parking and Traffic Appeals Service on public highway land '[PATAS](#)'. The *British Parking Association* currently delivers the POPLA service under contract until October 2015.

Through a recent challenge by a London resident and a review by the Audit Commission, all 33 London councils are now being requested to take further steps in order to remove any legal doubt as to London Council's Transport & Environment Committee's (TEC's) authority to deliver the service. This would also allow London Councils' auditors, PricewaterhouseCoopers, to conclude an outstanding issue in relation to an objection to the accounts.

It should be noted that London Councils and its legal advisors remain of the view that the service is being delivered by the TEC on a lawful basis but have advised individual councils to undertake the additional steps outlined in this report. Mr Clive Sheldon QC was instructed and advised on the drafting of the Variation attached to this report.

The decisions being asked of Hillingdon (and all 33 London councils) are to:

1. Formally confirm that the POPLA service delegated to London Councils was and should continue to be delivered as such;
2. Expressly delegate to London Councils the exercise of such parking appeals functions under our General Power of Competence;
3. Amend the relevant legal agreement to this end.

If Hillingdon wishes to support the continued operation of the POPLA service across London, then the recommendations before Cabinet are essentially a legal technicality that needs to be resolved. London Councils have requested that the attached Memorandum of Participation be executed and returned by 24 December 2014.

## **Financial Implications**

There are no financial implications for the Council. The POPLA service operates on a full cost recovery basis.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

To confirm the continued operation of pan-London appeals service for parking on private land.

### **Consultation Carried Out or Required**

London Councils.

## **5. CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and confirms that there are no direct financial implications associated with the recommendations set out above as these are intended to reconfirm existing arrangements.

### **Legal**

The recommendations in this report are underpinned by section 1 of the Localism Act 2011 which has replaced the well-being power in England. The general power of competence is a very wide ranging power and gives a local authority power to do anything that individuals generally may do.

Section 2 of the 2011 Act sets out the boundaries of the general power; it cannot be exercised in circumstances where a limitation is placed upon it by other primary or secondary legislation. The Borough Solicitor is unaware of any such limitation which would prevent the Council relying on the general power in the circumstances outlined in this report.

### **Relevant Service Groups**

Parking Services have been consulted on this matter and support the recommendations in this report.

## **6. BACKGROUND PAPERS**

[Minutes of London Council's Transport & Environment Executive Sub-Committee on 11 September 2014.](#)