

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2889

Author:

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Department:

Commercial and Operations

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Subject:

Amendment to the Existing Partnership Agreement with Leicester City Council allowing Nottingham City Council to undertake CCTV parking enforcement

Total Value:

£10,000 (Type: Revenue)

Decision Being Taken:

1) To authorise the Corporate Director of Commercial and Operations in consultation with the Traffic Manager on behalf of Nottingham City Council approves the discharge of additional executive functions as delegated by Leicester City Council (LCC) to Nottingham City Council (the Council) to perform CCTV enforcement of parking on behalf of LCC on Bus Stop Clearways and all other mandatory Clearways such as 'Zig Zags' outside schools, police, fire and ambulance stations and on red routes in Leicester.

2) To approve the amendment of the existing Partnership Agreement with LCC to reflect these additional functions and the provision of the back office function to enforce CCTV parking by means of an approved camera device.

3) To note that acceptance of the delegation by LCC to the Council is being sought by Full Council on 10th July 2017.

Reasons for the Decision(s)

Nottingham City Council already have a Partnership Agreement in place with LCC to process PCN's for bus lane enforcement on behalf of LCC and associated back office processing infrastructure. LCC do not have the capacity to process their own PCNs from CCTV footage themselves. Following a high profile incident in Leicester where parking on a clearway was a contributory factor, Sir Peter Soulsby, Leicester's City Mayor, has authorised the delegation and enforcement of additional executive functions, namely Bus Stop Clearways and other mandatory Clearway restrictions by CCTV to Nottingham City Council. LCC wishes to commence enforcement in or around July/August 2017.

This approval therefore seeks to authorise and acknowledge the discharge by the Council of additional Executive Functions delegated to it by LCC for the enforcement on behalf of LCC of bus stop clearways and other mandatory entrance clearways in Leicester using an approved device (CCTV camera).

An extension and amendment to the existing Partnership Agreement with LCC to reflect these additional functions will enable the Council to enhance its collaborative working agreement, increase its current revenue stream (as it will be issuing more PCNs on behalf of LCC) and boost its commercialism agenda raising the Council's profile nationally as a leader and provider in the back office processing for other local authorities should further opportunities arise. The additional functions smoothly sit alongside what the Council already do and the Partnership Agreement will clearly identify the responsibilities of each party.

The infrastructure both on street and in the back office is in the process of being implemented, however the enforcement cannot start until the amended Partnership Agreement is signed by both the Council & LCC and formal acceptance of the delegation by LCC's Mayor agreed at Full Council on 10 July 2017.

LCC will purchase all the on-street enforcement equipment and all the additional back office bolt-ons directly. LCC will continue to be responsible for dealing with all appeals raised in relation to PCN's by the Council on its behalf.

Briefing notes documents:

Final Decision Notice - BLE 2012.pdf, CM decision report clearways camera enforcement.docx, Decision Notice - Bus Stop etc Enforcement.pdf

Other Options Considered:

Not to accept the delegation from Leicester City Council. This option has been rejected because it would not allow Nottingham City Council to carry out the work for LCC and achieve economies of scale within the authority, this also helps contribute to Nottingham City Council's commercialism agenda.

Background Papers:

None

Published Works:

DD0067 Bus Lane Enforcement Functions
 City Council 14 May 2012 - Acceptance of Delegation from Leicester City Council in Respect of Bus Lane Enforcement Functions.
 City Council 10 July 2017 Accepting delegated function for CCTV Parking Enforcement from Leicester City Council

Affected Wards:

Citywide

Colleague / Councillor Interests:

None

Consultations:

Those not consulted are not affected.

Crime and Disorder Implications:

N/A - Enforcement for Leicester City Council

Equality:

EIA not required. Reasons: This decision is to enforce for Leicester City Council

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

01/08/2017

Advice Sought:

Legal, Finance, Human Resources, IT, Other: Celia Jenkins(celia.jenkins@nottinghamcity.gov.uk)

Legal Advice:

The proposals in this report raise no legal issues and are supported.

The Council already process and enforce PCN's on behalf of LCC for bus lane contraventions. It is understand that the infrastructure to expand this arrangement is already in place. and an expansion will provide a more effective and cost efficient service.

Regulations 3 and 5 of the Local Authorities (Arrangements for the Discharge of Functions (England) Regulations 2012 permit LCC's Mayor to make arrangements with the Council for the discharge of its executive functions for the enforcement of bus stop clearways and other mandatory clearways. Acceptance of this delegation is being sought by Full Council as required under the Council's Constitution, but this report seeks to reflect the additional executive functions which will be discharged and treated as executive functions by the Council's executive, on behalf of LCC in accordance with regulation 7 of the above Regulations.

The existing Partnership Agreement with LCC will be amended to reflect the additional functions that will be carried out by the Council and will continue on an ongoing annual basis.

Regulation 7 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 permits a person liable to pay a penalty charge for a vehicle stationary in a civil enforcement area on a bus stop clearway or bus stand clearway, mandatory entrance clearway (school entrance markings and variants) or a red route to make representations to the enforcement authority and to appeal further to an adjudicator.

The enforcement authority is Leicester City Council and the process for dealing with appeals will remain that Council's function. Advice provided by Dionne Claire Sreaton (Solicitor) and Tamazin Wilson (Solicitor) on 06/07/2017.

Finance Advice:

Nottingham City Council is adding another function to their enforcement arm, as such there will be an increase in PCNs. It is estimated that this will bring in £7.5k into the authority with the potential for up to £10k based on an approximate guide from Leicester that there will be no more than 100 contraventions each month.

The unit cost that Nottingham receives is determined by how many PCNs are issued within the current SLA. The financial implications of adding to the current agreement will make a further positive contribution to the fixed overheads.

Should there be a need to increase the establishment due to an increased workload, this will be managed by Nottingham City Council and will be funded from the income generated. Should the income decrease due to lack of PCN's processed, any redundancy/exit costs need to be considered and accounted for in order that there is no liability to Nottingham City Council's existing budget.

Nottingham City Council have been working with Leicester City Council for a number of years and have demonstrated value for money throughout. Reputation wise, this is also a positive for Nottingham City Council and will also assist in future venture/opportunities with other authorities

Advice provided by Michelle Pullen (Commercial Business Partner) on 05/07/2017.

HR Advice:

The proposals outlined may warrant a review of staff resourcing to meet the requirements of the service.

Service Redesign team can be engaged to support with a review and redesign of the service.

If staff are to be recruited, NCC recruitment and redeployment should be adhered to.

Advice provided by Saema Mohammad (Service Redesign Consultant) on 07/07/2017.

Other Advice:

We have worked successfully with Leicester City Council since July 2012 in respect of providing a processing and enforcement function for their bus lane enforcement. We are keen to develop this partnership further and I would support the acceptance of the delegated function from Leicester City Council to carry out CCTV enforcement of parking on Bus Stop Clearways and all other mandatory Clearways. This would provide economies of scale and demonstrate on-going effective partnership working Advice provided by Celia Lyn Jenkins (Processing and Enforcement Manager) on 07/07/2017.

IT Advice:

The IT Service support the decision recommended within this delegated decision.

The proposed change will some amendment to existing IT systems and so colleagues in IT and Strategic Finance should be engaged early in the implementation process to ensure that all system requirements are identified, mapped and requirements clearly defined before implementation so that this can be thoroughly tested prior to 'go live'.

Advice provided by Paul J. Burrows (IT Change, Projects & Strategy Manager) on 28/06/2017.

Signatures

Toby Neal (Portfolio Holder for Community & Customer Services)
SIGNED and Dated: 24/07/2017
Andrew Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 17/07/2017