

REPORT TO FULL COUNCIL – 21 JULY 2009

VARIATION OF PARKING AGENCY AGREEMENT

Report of the: Community and Planning Services Director

Also considered by: Cabinet 9th July 2009

Status: For Decision

This report supports the Key Aim of Effective Management of Council Resources.

Portfolio Holder Cllr. Williamson

Head of Service Head of Environmental and Operational Services,
Richard Wilson

Recommendation: It be RESOLVED that:

- (a) *The District Council enters into a Deed of Variation with Kent County Council on the terms set out in this report varying the Agency Agreement relating to the enforcement of parking control entered into between the parties on 10th January 2000.*
- (b) *That the District Council agrees that the functions of Kent County Council set out in the Deed of Variation shall be discharged by the District Council (in so far as they are functions of the Council) and by the Executive of the District Council, (in so far as they are functions of the Executive) with effect from the date upon which the Deed of Variation is entered into.*

Introduction

1. By an Agency Agreement entered into on 10th January 2000 Kent County Council delegated to Sevenoaks District Council various powers relating to the enforcement of parking control. Essentially, it is this agreement which enables the District Council to operate and enforce the on-street parking arrangements within the District.
2. Part 6 of the Traffic Management Act 2004 introduced a new scheme of civil enforcement of traffic contraventions. These provisions are now in force.
3. In order to permit the District Council to effectively discharge the functions of the County Council in relation to these matters it is necessary to vary the 2000 Agency Agreement so as to incorporate within it certain provisions of the Traffic Management Act 2004.

Item No. 6d

4. The amendments proposed are of a technical and 'house-keeping' nature and should not of themselves have any discernable effect on the operations of the parking services. In summary, the variation will enable the District Council to exercise all duties and powers given to the County Council by Part 6 of the Traffic Management Act 2004 within the District. Certain powers may however, only be exercised with the prior consent of the County Council. These are powers relating to bus lane contraventions, moving traffic contraventions, variations in setting the level of penalty charge, immobilisation of vehicles where a penalty charge is payable, prohibition of double parking and prohibition of parking at dropped footways.
5. In so far as the variations amount to a delegation of the functions of Kent County Council Executive to the District Council Executive the law requires that the delegation is made by the County Council Executive but is *accepted* by the full Council of Sevenoaks District Council. The somewhat complicated provisions governing these arrangements are to be found in Section 101 of the Local Government Act 1972, Section 19 of the Local Government Act 2000 and the Local Authorities. (Arrangements for the Discharge of Functions) (England) Regulations 2000.
6. If the District Council wishes to continue to be responsible for running the on-street parking arrangements within the District, there is currently no option open to the Council other than to accept the proposed variation agreement.
7. This proposed variation to the Parking Agency Agreement have been arrived at following a protracted period of discussion between Kent County Council officers and working groups of the Kent Parking Managers, Kent Technical Officers Network and The Association of Kent Secretaries. It is the view of these working groups and of your own officers that the proposals represent an effective and workable arrangement. All Districts in Kent discharging on-street parking functions on behalf of the County Council are being invited to enter into identical arrangements.
8. Save to the extent varied by the proposed variations, the original Agency Agreement is to continue in full force and effect.

Consultation Statement

Kent Technical Officers and Kent Legal Officers through the Kent Technical Officers Network and the Association of Kent Secretaries have been involved in the development of these proposals.

The proposals being of a purely technical nature they have not been the subject of any consultation with the wider community.

Attachments

Appendix 1 – Deed of Variation Relating to the Agency Agreement dated 10th January 2000 for the enforcement of parking control.

Key Implications

Financial

There are no financial implications.

Community Impact and Outcomes

There are no Community Impact and Outcomes.

Legal, Human Rights etc.

The variation will enable the District Council to exercise all duties and powers given to the County Council, by Part 6 of the Traffic Management Act 2004, within the District.

Risk Assessment Statement

The amendments proposed are of a technical and 'house-keeping' nature, and should not, of themselves, have any discernable effect on the operations of the parking service.

Sources of Information: Draft Deed of Variation to Parking Agency Agreement

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Kristen Paterson
Deputy Chief Executive and
Community and Planning Services Director

Council – 21 July 2009

Item No. 6d