

Comptroller and City Solicitor
Michael Cogher



To:

All London Local Authority
Directors of Law & Governance

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Our ref TL0016/005

Case Officer
Michael Cogher/Anne Pietsch

Date 2 October 2014

Dear Colleagues

**London Councils Transport & Environment Committee -
Variation to the Governing Agreement**

**Delegation of the exercise of section 1 of the Localism Act 2011 to the Joint Committee
for the purposes of providing a parking on private land appeals service on a full cost
recovery basis**

I am writing following the recent decision of the London Councils Transport and Environment Committee (LCTEC) Executive on the 11 September 2014 where it was resolved to recommend to the London local authorities that steps be taken to formally vary the LCTEC Governing Agreement to resolve an issue which has arisen in auditing London Councils' accounts in respect of LCTEC's provision of a private parking appeals service to the British Parking Association on a full cost recovery basis. I refer you to the email, dated 2 October 2014 from John O'Brien, Chief Executive of London Councils sent to your authority's Chief Executive, for further information and background regarding this.

Every London Authority is now asked, in accordance with its own governance procedures, to expressly resolve to:

- (a) formally confirm that the functions delegated to 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;
- (b) 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; and
- (c) amend the LCTEC Governing Agreement to this end.

The following key documents may be located on the London Councils website:

1. Governance Documents – the LCTEC Governing Agreement and the four previous variations.

<http://www.londoncouncils.gov.uk/aboutus/governance/constitutional.htm>

2. LCTEC Report and Minutes regarding the provision of the parking appeals service for parking on private land:

<http://www.londoncouncils.gov.uk/London%20Councils/Item10ProposedAppealsServicePrivateLandAppeals1503.doc>

<http://www.londoncouncils.gov.uk/London%20Councils/Item20.POPLAReport140612.doc>

[http://www.londoncouncils.gov.uk/London%20Councils/Item4.TECAgreementPOPLAAmendmentfor110914%20\(2\).docx](http://www.londoncouncils.gov.uk/London%20Councils/Item4.TECAgreementPOPLAAmendmentfor110914%20(2).docx)

I enclose:

1. a Variation to the LCTEC Governing Agreement, and
2. a Memorandum of Participation for execution by your authority in accordance with clause 1.1. of the Variation.

This fifth Variation to the Governing Agreement confirms expressly that the 33 London local authorities have delegated to the joint committee the exercise of section 1 of the Localism Act 2011 for the purposes of providing a parking on private land appeals service on a full cost recovery basis, consistent with previous decisions of the joint committee regarding the provision of this service. Mr Clive Sheldon QC was instructed and advised on the drafting of the Variation.

After your authority has taken its decision I would be grateful if you would arrange for the Memorandum of Participation to be executed and the original returned to me by the 24 December 2014. Once I have received all the authorities' Memoranda they will be incorporated into the Variation, the Variation dated, and a copy of the completed Variation then be provided to your authority for its records.

Should you have any questions regarding this matter, please do not hesitate to contact:

Michael Cogher, Comptroller & City Solicitor, City of London Corporation:
Michael.cogher@cityoflondon.gov.uk ; 020 7332 3699;

Anne Pietsch, Chief Legal Assistant, City of London Corporation:
Anne.pietsch@cityoflondon.gov.uk ; 020 7332 1633.

Should you email it would be appreciated if both Michael and Anne could be copied into the correspondence.

Yours faithfully


Michael Cogher
Comptroller & City Solicitor

Enc: Fifth Variation of the LCTEC Governing Agreement (otherwise known as the Third Further Variation of the ALGTEC Governing Agreement)

Memorandum of Participation