

APPENDIX A

DATED

2014

LONDON COUNCILS TRANSPORT AND ENVIRONMENT COMMITTEE*

(*ALL REFERENCES IN THIS AGREEMENT TO ALGTEC ARE TO BE CONSTRUED AS REFERRING
TO LONDON COUNCILS TEC)

THIRD FURTHER VARIATION OF ALGTEC AGREEMENT ("the Fifth ALGTEC Agreement")

Ref: TL0016/005 (AP)

THIS AGREEMENT is made this

2014.

BETWEEN the London local authorities listed in Schedule 1 hereto ("the Participating Councils") and Transport for London of 14th Floor, Windsor House, 42-50 Victoria Street, London SW1H 0TL (together referred to as "the Parties")

RECITALS

- A. By an agreement dated 13 December 2001 ("the First ALGTEC Agreement") the Parties arranged for certain functions to be discharged by a joint committee established under specific and all other enabling powers known as the Association of London Government Transport and Environment Committee ("ALGTEC").
- B. The First ALGTEC Agreement was varied by an agreement dated 1 May 2003 ("the Second ALGTEC Agreement").
- C. The First ALGTEC Agreement was further varied by an agreement dated 30 November 2006 ("the Third ALGTEC Agreement").
- D. In December 2006 ALGTEC changed its name to the London Councils Transport and Environment Committee ("the Committee").
- E. The First ALGTEC Agreement was further varied by an agreement dated 8 June 2009 ("the Fourth ALGTEC Agreement") which *inter alia* included a new Part 3(D) in Schedule 2 of the First ALGTEC Agreement for the delegation to the Committee of the exercise of any statutory functions conferred on the Parties relating to transport, environment and planning matters subject to consultation and the written agreement of the Parties.
- F. On the 18 February 2012 section 1 of the Localism Act 2011 came into effect which provides local authorities with the power to do anything that individuals generally may do, and is known as "the general power of competence".
- G. Section 56 and Schedule 4 of the Protection of Freedoms Act 2012 impose certain conditions concerning the recovery of unpaid parking charges on private land. As a consequence of those provisions those receiving and disputing a parking ticket on private land must be offered free access to an independent appeals service. On the 15 March 2012 the Committee resolved to tender for the provision of an independent appeals service to the British Parking Association ("the BPA"). The 2012 Act was enacted on the 1 May 2012 and it came into force on the 1 October 2012.
- H. On the 14 June 2012 the Committee resolved to contract with the BPA for the provision of the independent appeals service for parking on private land in England and Wales on a full cost recovery basis.
- I. On 17 July 2014 the Committee resolved to recommend to the Participating Councils that they delegate to the Committee, under Part 3(D) of Schedule 2 of the First ALGTEC Agreement, the exercise of further functions under section 6 of the Road Traffic Regulation Act 1984 and all other enabling powers, to enable the Committee to make any necessary traffic orders for the purposes of implementing and enforcing on the Participating Councils' roads a scheme to enhance road safety by requiring the fitting of safety mirrors and

side guards to all Heavy Goods Vehicles over 3.5 tonnes in London ("the London Safer Lorry Scheme"). At [INSERT DATE] all the Participating Councils had made the delegation in the same form, and this variation to the First ALGTEC Agreement had also been agreed by Transport for London, as required under Clause 15.1 of the First ALGTEC Agreement.

- J. The Participating Councils now wish (for the avoidance of doubt) to confirm that the exercise of functions delegated to the Committee to enter into the arrangements for the delivery of the independent parking appeals service on private land were and continue to be delivered pursuant to section 1 of the Localism Act 2011. The purpose of this agreement ("the Fifth ALGTEC Agreement") is, therefore, to vary further the First ALGTEC Agreement.

IT IS HEREBY AGREED AS FOLLOWS:

1. EXECUTION AND COMMENCEMENT

- 1.1 This Agreement is executed by each Party signing the annexed Memorandum of Participation on behalf of that Party and such Memorandum shall be evidence of execution by that Party when Memoranda signed by all Parties are incorporated into this Agreement.
- 1.2 This Agreement shall commence on the date of execution by the last of the Parties to execute it. ("the Fifth ALGTEC Agreement")

2. DELEGATION OF FUNCTIONS

- 2.1 For the avoidance of doubt, and to confirm that the general power of competence under section 1 of the Localism Act 2011 was, and continues to be, delegated to the Committee for the purposes of providing a private parking appeals service in accordance with section 56 and Schedule 4 of the Protection of Freedoms Act 2012, the First ALGTEC Agreement is hereby varied as follows –

- 2.1.1 After clause 4.1(C) of the First ALGTEC Agreement insert:

4.1(D) The Schedule 1 Part 1 Participating Councils have delegated to ALGTEC the functions set out in Part 3(E) of Schedule 2 of this Agreement. The Participating Councils may revoke this delegation in accordance with clause 13.2, that is with the unanimous consent of all the Participating Councils or otherwise in accordance with clause 13.2.3.

- 2.1.2 After clause 13.4 of the First ALGTEC Agreement insert:

13.5 Part 3(E) of Schedule 2 of this Agreement may be terminated by ALGTEC by a resolution of ALGTEC passed in accordance with the joint committee's normal procedures.

- 2.1.3 Paragraph 1 of Part 4 of Schedule 2 of the First ALGTEC Agreement shall be varied by replacing the words "Parts 1-3(D)" with::

"Parts 1-3(E)"

2.1.4 After Part 3(D) of Schedule 2 of the First ALGTEC Agreement insert:

PART 3(E) FUNCTIONS – PARKING ON PRIVATE LAND APPEALS SERVICE

1. *The general power of competence under section 1 of the Localism Act 2011 for the purpose of providing, on a full cost recovery basis, an independent appeals service for disputes arising in respect of parking on private land (with reference to section 56 and Schedule 4 of the Protection of Freedoms Act 2012).*

SCHEDULE 1

THE PARTICIPATING COUNCILS

**The London Borough of Barking and Dagenham
The London Borough of Barnet
The London Borough of Bexley
The London Borough of Brent
The London Borough of Bromley
The London Borough of Camden
The London Borough of Croydon
The London Borough of Ealing
The London Borough of Enfield
The London Borough of Greenwich
The London Borough of Hackney
The London Borough of Hammersmith and Fulham
The London Borough of Haringey
The London Borough of Harrow
The London Borough of Havering
The London Borough of Hillingdon
The London Borough of Hounslow
The London Borough of Islington
The Royal Borough of Kensington and Chelsea
The Royal Borough of Kingston-upon-Thames
The London Borough of Lambeth
The London Borough of Lewisham
The London Borough of Merton
The London Borough of Newham
The London Borough of Redbridge
The London Borough of Richmond upon Thames
The London Borough of Southwark
The London Borough of Sutton
The London Borough of Tower Hamlets
The London Borough of Waltham Forest
The London Borough of Wandsworth
The City of Westminster
The Mayor and Commonalty and Citizens of the City of London**