



South Tyneside Council

Alex Shipp
request-189888-3866f47d@whatdotheyknow.com

Date: 17th January 2014
Our Ref: FOI 13 13329

Dear Mr Shipp

Freedom of Information Request

I refer to your Freedom of Information Request received on 19th December 2013

Your request asked for the following information:

Your Request

- 1) Please provide a copy of the 26th September contract
- 2) Please provide details of parking charges issued before 15 April 2013
- 3) Please provide details of parking charges issued between 15 April 2013 and 26th September 2013. Where available this should indicate total tickets issued, tickets cancelled, tickets paid and tickets outstanding, broken down by month/part month.
- 4) How many court cases have ParkingEye filed for charges issued before 15 April 2013?
- 5) How many 'landowner witness statements' have you provided to ParkingEye for use in court cases for charges issued before 15 April 2013?
- 6) For those witness statements which stated 'The Operator has written authority from the landowner to undertake parking management, control and enforcement at the site' (or similar), please provide a copy of this written authority, and the date this authority came into being.
- 7) Please provide copies of all correspondence between yourself and ParkingEye regarding these witness statements
- 8) How many 'landowner witness statements' have you provided to ParkingEye for use in POPLA cases for charges issued before 15 April 2013?

Council's Response

1. Please provide a copy of the 26th September contract
The Council of the Borough of South Tyneside acting in its capacity as the Tyne and Wear Pension Fund has a contract with ParkingEye Ltd for car parking management at Corporation Street, Preston, which is dated 26 September 2013. A copy of the redacted contract is attached. Prior to this there was a contract in place for car parking management at Corporation Street, Preston dated 12 September 2008 and made between the Council's appointed Managing Agent at Corporation Street and ParkingEye Ltd.

2. Please provide details of parking charges issued before 15 April 2013

We do not have the information you have asked for. The Act only covers recorded information held by the Council. As we do not have the relevant information in recorded form, we are under no obligation to find out information from elsewhere. This information is not held by a public authority and so we are not able to transfer the request on or advise you to redirect your request.

3. Please provide details of parking charges issued between 15 April 2013 and 26th September 2013. Where available this should indicate total tickets issued, tickets cancelled, tickets paid and tickets outstanding, broken down by month/part month.

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4. How many court cases have ParkingEye filed for charges issued before 15 April 2013?

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5. How many 'landowner witness statements' have you provided to ParkingEye for use in court cases for charges issued before 15 April 2013?

Nil

6. For those witness statements which stated 'The Operator has written authority from the landowner to undertake parking management, control and enforcement at the site' (or similar), please provide a copy of this written authority, and the date this authority came into being

Please find attached a copy of a standard draft witness statement. This is a witness statement of fact only. The statement is provided to confirm that that the Council of the Borough of South Tyneside, acting in its capacity as the Administering Authority of the Tyne and Wear Pension Fund, is the owner of the site at Corporation Street Retail Park, Corporation Street, Preston, Lancashire PR1 2UZ and that ParkingEye Ltd has authority from the Fund to undertake parking management, control and enforcement at this site.

Negotiations of the drafting of this Witness Statement commenced on 12 April 2013 and the statement has been largely in use since 3 May 2013.

7. Please provide copies of all correspondence between yourself and ParkingEye regarding these witness statements

Correspondence relating to the witness statement are confidential communications between the Fund's lawyers and a third party for the purpose of preparing litigation. Litigation privilege attaches to these confidential communications, because litigation is in reasonable prospect or is pending, and the communications are for the dominant purpose of collecting evidence for use in the litigation.

8. How many 'landowner witness statements' have you provided to ParkingEye for use in POPLA cases for charges issued before 15 April 2013?

Nil

Copyright Procedure

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Internal Review Procedure

If you are dissatisfied with the handling of this enquiry you can invoke the Council's internal review procedures to ask for an independent review of your request. All such requests must be sent to us within 4 weeks and must clearly state in writing your reference number and your reasons for your request for internal review.

The Information Governance Team can be contacted at the following address: Information Governance Team, Central Library, Prince Georg Square, South Shields, Tyne and Wear, NE33 2PE.

Information Commissioner's Office (ICO)

Should you remain dissatisfied with the final outcome of the internal review process you can write to the Information Commissioner to ask for an independent review. The Information Commissioner is the Government's Independent Body responsible for overseeing the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004.

Please do note the ICO will only review cases that have exhausted the Council's internal review procedures. All correspondence to the ICO must quote the Council's reference number and your reasons for your appeal.

The ICO's contact details are as follows: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF. More information can be found on the ICO's website at www.informationcommissioner.gov.uk.

If you have any further queries about this matter, please do not hesitate to contact us on (0191) 424 6539, or by emailing foi@southtyneside.gov.uk.

Yours sincerely

Paul Robinson

Corporate Lead, Corporate Affairs