

ON STREET PARKING ENFORCEMENT UPDATE

Head of Service/Contact:	Joy Stevens, Head of Customer Services & Business Supt.
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Annexes/Appendices (attached):	Annex 1 – Draft Memorandum of Understanding
Other available papers (not attached):	Environment Committee 12 June 2017 Agenda item 9

Report summary

This report presents the current situation regarding the extended on street enforcement agency agreement with Surrey County Council which is due to expire on 31 December 2018.

To seek authority to allow the Council to enter into a Memorandum of Understanding between the borough and districts of Reigate & Banstead, Epsom & Ewell, Mole Valley, Tandridge and Surrey Country Council in relation to on street parking enforcement.

Recommendation (s)

- (1) Authorises the Chief Operating Officer in consultation with the Chairman of the Environment & Safe Communities Committee to progress discussions and negotiations on the Draft Memorandum of Understanding between the boroughs and districts and Surrey County Council;**
- (2) That the Chief Operating Officer be authorised to make any necessary textual and other amendments following consultation with the Chairman of the Environment & Safe Communities Committee and to sign the Memorandum of Understanding attached at Annex 1.**

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

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- 1.1 The roads of Epsom & Ewell need to be kept clear to maintain the free-flow of traffic around the Borough. Enforcing parking conventions is one way to support this.
- 1.2 The Council will need to consider and balance the effective management of parking spaces and of the economic impact on the Borough.

2 Background

- 2.1 As part of an agency agreement with Surrey County Council, Epsom & Ewell Borough Council have been enforcing on street parking restrictions within the Borough since 3 May 2005. In March 2013 this agreement was extended for five years and expired on 31 March 2018.
- 2.2 At a meeting of Surrey Chief Executives in December 2016, Surrey County Council indicated it would be reviewing the current on street agreements when they expired.
- 2.3 Following the meeting, a paper from the Surrey Joint Working Chief Executive subgroup was circulated in March 2017. This paper proposed taking forward joint working within parking enforcement to mitigate reductions in levels of service, with Surrey County Council stating the budget was under significant pressure.
- 2.4 At a Chief Executive sub-group meeting on 23 May 2017 identified clusters were circulated. All the clusters had lead boroughs already identified. Epsom & Ewell Borough Council was in a cluster with Elmbridge Borough Council and Spelthorne Borough Council to provide parking enforcement across three boroughs. Elmbridge Borough Council had been identified as the lead Borough for this cluster.
- 2.5 During discussions it became clear that Epsom & Ewell Borough Council had been placed in the wrong cluster. The borough boundaries did not even meet and the travel times between all boroughs in the proposed cluster would have been challenging.
- 2.6 Because of this, Epsom & Ewell Borough Council approached the East Surrey cluster which included Reigate & Banstead Borough Council, Tandridge District Council and Mole Valley District Council as both boundary and location-wise this appeared the most practical solution.
- 2.7 In June 2017 the Environment Committee agreed in principle for Epsom & Ewell Borough Council to participate in joint working discussions to find a solution to provide on street enforcement after the end of the then current agreement with Surrey County Council.

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- 2.8 From 10 July 2017 discussions have been taking place regarding future arrangements for on street enforcement between the four boroughs and districts. Similar discussions have also been taking place across Surrey with the other boroughs and districts in their clusters.
- 2.9 On 22 November 2017 a letter was received from Jason Russell, Deputy Director for Environment and Infrastructure for Surrey County Council with his response for new on street agreements proposals. This letter gave the first indication that Surrey County Council were prepared to accept differing agreements with different clusters across the county. This was contradictory to their previous approach and caused a great deal of confusion and unhappiness amongst the boroughs and districts within our cluster.
- 2.10 Following discussions with the Chief Executive, Chairman of Environment Committee and the Chairman of the Residents Association Group, the Head of Customer Service and Business Support drafted a response to the proposals on 21 December 2017. This stated that the proposals suggesting a two-year extension for those unable to find solutions and allowing them to continue with their own operations contradicted the previous messages and approach communicated by Surrey County Council.
- 2.11 The response also stated that a two-year extension would be preferable to Epsom & Ewell Borough Council, particularly as Epsom & Ewell Borough Council is the only Borough within the East Surrey area which generates surplus from the on street parking enforcement.
- 2.12 On 12 January 2018 a joint response to the proposed changes to on street parking enforcement was sent by the Mole Valley Chief Executive, on behalf of Tandridge District Council and Epsom & Ewell Borough Council Chief Executives, stating that in the absence of a shared view regarding the approach to enforcement in Surrey, the districts and boroughs should be given more time (up to 2 years) to work together on a proposal.
- 2.13 The management of on street parking enforcement within Surrey was discussed at Surrey County Council's Cabinet meeting on 30 January 2018. The Cabinet agreed that a five year agency agreement was to be offered to Reigate & Banstead Borough Council to manage on street parking within Reigate and Banstead, Mole Valley, Epsom & Ewell and Tandridge areas, subject to the finer details of the proposal being resolved. Failing this, a two year agency agreement was to be offered to the four authorities to allow sufficient time to resolve any problems, or to put in place alternative arrangements.

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- 2.14 In March 2018 it was clear that whilst discussions were progressing across Surrey and in particular with the East Surrey cluster, no decisions and no agreements had been reached. As a result of this on 13 March 2018 Surrey County Council extended the existing agreements on until 31 December 2018.
- 2.15 As part of an existing agreement Reigate and Banstead Borough Council carry out on street enforcement on behalf of Tandridge District Council. However, on 19 April 2018 Tandridge District Council passed a motion of no confidence in their current enforcement arrangements and resolved “to seek agreement with Surrey County Council to undertake a parking enforcement function on SCC’s behalf or to appoint a third party to do likewise if having explored the option of an in-house service there were good reasons not to pursue this”. This was a significant shift in position since discussions in the East Surrey cluster first took place.
- 2.16 Mole Valley District Council has stated their aim to establish a joint enforcement team including on street parking enforcement.
- 2.17 Epsom & Ewell Borough Council has expressed openness to any arrangements, though it is keen to maintain influence over the deployment of CEOs and also wishes to maintain the financial surplus that the on street parking arrangements currently generate.
- 2.18 Reigate and Banstead wish to retain control of on street enforcement and are keen to lead the now aborted shared service. Despite the shared service model not being agreeable to all four authorities, this does not preclude the achievement of Surrey County Council’s aims.
- 2.19 With this aim the four districts and boroughs have continued to work towards a memorandum of understanding that sets out a framework for increased cooperation and joint working between each area in regards to the operation of parking enforcement in East Surrey, with the aim for each Borough and district to maintain responsibility for its own on-street parking enforcement service. The MoU will then translate into the appropriate arrangements which will be set out in a formal agreement between the parties.
- 2.20 The framework has been developed in response to Surrey County Council’s review of on street enforcement arrangements across the boroughs. The review was tasked with identifying service efficiencies and opportunities to reduce costs and will include:
- Investigating more flexible staffing arrangements to facilitate cross-border enforcement
 - Harmonising parking enforcement standards and policy

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- Aligning parking software procurements and ongoing development to secure savings
 - Utilising joint procurement of parking machines, signage, maintenance, charging points and uniforms to secure savings
 - Exploring opportunities for greater integration of back-office functions
 - Exploring opportunities associated with the latest developments and innovations in the parking industry such as alternative payment options online self-service, virtual parking permits etc.
- 2.21 This Memorandum of Understanding also sets out a more integrated approach to income generation and will include
- Exploring the introduction of additional parking restrictions and controls at appropriate locations
 - Reviewing the deployment of civil enforcement officers
 - Joint discussions regarding the introduction of electrical charging points
 - The introduction of online resident and business permits
- 2.22 For further details of the draft Memorandum of Understanding, see **Annex 1**.
- 2.23 The draft Memorandum of Understanding was sent to Surrey County Council on 1 August 2018 for their views and feedback.
- 2.24 Surrey County Council's response on 17 August was that the Memorandum of Understanding was a positive way forward although it wanted clarity on three main areas:
- A time limit on the procurement of a joint back office system.
 - A firm commitment to eradicate parking deficits with timeframes and methodology.
 - KPI's used to compare enforcement authorities and help understand why costs/performance vary and to develop best practice.
- 2.25 Meetings with Reigate and Banstead Borough Council, Tandridge District Council and Mole Valley District Council are continuing in order to finalise the draft MoU and provide clarity on the points raised by Surrey County Council.

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- 2.26 Each district and borough will be required to go through their own legal constitutional processes to give formal approval to the MoU and each of the parties will then return to approve the formal agreement.
- 2.27 This report is being brought to Environment and Safe Communities Committee in October 2018 as the current on-street enforcement agreement expires prior to the next Committee meeting in January 2019.

3 Proposals

- 3.1 It is proposed that the Environment and Safe Communities Committee authorises the Chief Operating Officer to continue working with the other boroughs and districts to finalise a memorandum of understanding with agreed proposals for an operating model.
- 3.2 Authorises the Chief Operating Officer in consultation with the Chairman of Environment and Safe Communities Committee to agree and sign the final Memorandum of Understanding on behalf of Epsom & Ewell Borough Council.

4 Financial and Manpower Implications

- 4.1 In addition to the financial information provided in the June 2017 committee report, Epsom & Ewell Borough Council reported a surplus of £83,070.
- 4.2 60% of this surplus is provided to the Local Committee and 20% is applied to the Borough Council. The remaining 20% remains with Surrey County Council. The Memorandum of Understanding proposes that this split in accordance with the current arrangement remains in place.
- 4.3 Currently Reigate & Banstead, Mole Valley and Epsom & Ewell Borough Council use the same back office system in their own standalone solutions. Alignment of the systems would need to be financially viable for Epsom & Ewell to consider this option.
- 4.4 Any proposals will seek to ensure that Epsom & Ewell Borough Council does not suffer an adverse financial impact.
- 4.5 **Chief Finance Officer's comments:** Finance colleagues will continue to work with Parking colleagues to analyse proposals and ensure the financial implications are fully understood.

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5 Legal Implications (including implications for matters relating to equality)

- 5.1 The purpose of a Memorandum of Understanding is to set out how the parties to the document will work together to establish the new arrangements for on street planning enforcement in East Surrey. The MoU is not legally binding and does not create legal relations between the parties. The parties do agree that they will use all reasonable endeavours to comply with the terms and spirit of the MoU.
- 5.2 The MoU will come into effect once the parties have signed and the document has been dated. It will remain in force until an agreement between the parties for the provision of on street parking comes into effect.
- 5.3 *Monitoring Officer's comments:*** The Council will require a formal agreement to be entered into to set the terms and conditions of the agreed arrangements emanating from the MoU.

6 Sustainability Policy and Community Safety Implications

- 6.1 Cross boundary enforcement offers efficiencies and heightens service resilience particularly when officers are required to patrol at special events.

7 Partnerships

- 7.1 Working with Surrey County Council, Reigate and Banstead Borough Council, Mole Valley District Council and Tandridge District Council.

8 Risk Assessment

- 8.1 There is a risk that the Memorandum of Understanding will not be completed and signed by all four boroughs and districts by 31 December 2018 when the existing extended on street agreement expires. If this is the case Surrey County Council will need to either extend the existing agreement or put in place other measures.
- 8.2 There is a risk that one or more boroughs and districts will choose to opt out of the memorandum of understanding. If this situation arises it is currently unclear how Surrey will react. The risk being that they could implement their own on-street enforcement service within this cluster area led either by Reigate & Banstead or an independent contractor.
- 8.3 If no agreement can be reached and Surrey County Council issue on street agreements with the individual boroughs and districts this will place Epsom & Ewell Borough Council in the same situation which has existed since 2005.

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9 Conclusion and Recommendations

- 9.1 That the Committee authorises the Chief Operating Officer in consultation with the Chairman of the Environment & Safe Communities Committee to progress discussions & negotiations.
- 9.2 That the Chief Operating Officer be authorised to make any necessary textual and other amendments following consultation with the Chairman of the Environment & Safe Communities Committee and to sign the Memorandum of Understanding attached at **Annex 1**.

Ward(s) affected: (All Wards);