

Cabinet	CAB/008/11
Date: 8 th February 2011	Part I report

Delegation of Civil Parking Enforcement

Report by Councillor Norman Hume, Cabinet Member for Highways & Transportation
 Enquiries to Officer: David Claydon, Project Manager, TSU

1. Purpose of report

For Cabinet to consider and approve a new partnership operating model which will:

- i Execute Essex County Council's statutory duty for on-street parking and waiting restriction enforcement.
- ii Remove, over the next two years, the current £900k annual deficit support payment that ECC makes to the district and borough councils (cost avoidance).

2. Recommendations

The report will ask Cabinet to decide to delegate to two parking partnerships via a strategic commissioning agreement:

- a) our statutory responsibility under the Traffic Management Act (2004) for the enforcement of on-street waiting/parking restrictions;
- b) the making of all relevant traffic regulation orders; and
- c) procurement of installation and maintenance of signs and lines relating to on street enforcement

For brevity throughout the remainder of the document the term 'Parking Service' shall replace all aspects of points a – c above.

3. Decision Areas

For Cabinet to approve the new partnership operating model and the recommendations in this report.

4. Background, context, and area of the County affected

ECC are responsible for the enforcement of on-street parking restrictions (Civil Parking Enforcement) under the Traffic Management Act (2004). As a result of a decision taken in consultation with Cabinet Members (CAB/074/02) it was agreed that Agency Agreements would be established. These Agency Agreements (signed between 2002 and 2004) gave responsibility for the overall management of on-street Civil Parking Enforcement (CPE) to the 12 district and borough councils.

The business cases supporting these agency agreements indicated that the agencies would break even financially within 3 years (i.e. income from Penalty Charge Notices, residents parking permits etc. would be equal to the costs of collecting them). The Agency Agreements dictated that ECC would finance any required deficit, where cost exceeded income.

In March 2009 the Cabinet Member for Highways and Transportation made a Key Decision (FP/084/03/09) to undertake a review of the CPE Agency Agreements. As a result of this decision it was agreed to give the required 2 years notice to terminate all Agency Agreements due to the rising level of financial support required from ECC to finance deficits (approx £900,000 p.a.). The current arrangements will terminate on 31st March 2011.

A new operating model has been jointly developed between ECC and the district and borough councils. Full details of this model can be found in the supporting document "CPE solution proposals for authority leaders.ppt".

A new operating model must be in place for 1st April 2011 to ensure continuity of the service, thereby ensuring ECC discharges the statutory duty to enforce on-street parking and waiting restrictions.

Consultation is continuing to establish the finer details of the new operation.

It is planned for the two new Car Parking Partnerships to take the form of a Joint Committee which will consist of one member from each authority within the relevant geographic area. Each Joint Committee will appoint a lead authority to carry out the operational aspects of the Parking Service. It is accepted that this will be Chelmsford for the south of the county and Colchester for the north.

The appointment of a Joint Committee is currently under the consideration of legal Counsel, and advice is due to be received by 8th February 2011.

In the alternative, it is possible to delegate the Parking Service to two lead authorities, Chelmsford for the south of the county and Colchester for the north. The lead authorities would form a Partnership Board consisting of one member from each authority within the relevant geographic area. The Partnership Board would determine the operational delivery of the service.

Subject to legal Counsel's advice, the preferred option would be to elect two Joint Committees. However if Counsel's advice requires, direct delegation to the two lead authorities may need to be implemented.

In the unlikely event that clear legal advice is not received prior to April 1st delegation will be given to the two Lead Authorities at that time. The position can be amended if necessary when clear Legal advice emerges.

Options/Proposals

To ensure continuity of the service Cabinet is asked to approve delegation of the Parking Service to two new car parking partnerships, one for the north of the county and one for the south.

This delegation will then be achieved either by way of a Joint Committee or two lead authorities forming Partnership Boards as set out above.

Conclusions

The preferred option is to delegate the Parking Service to two joint committees. However, questions have been raised regarding the correct legal protocol and therefore external legal Counsel is being consulted to ensure this is a lawful delegation of our responsibility.

To meet the deadline of 1st April Cabinet is asked to approve delegation of the parking service to the North and South lead authorities and for such delegation to be either by way of the establishment of two joint committees should legal advice for external legal Counsel so advise, or through direct delegation.

5. Relevance to ECC's corporate plan and other Strategic Plans

The new operating model supports the Target Operating Model, working in partnership to deliver services across administrative boundaries.

It also supports our *EssexWorks* priority of 'delivering value for money.'

6. Internal and External Consultation

Officers from ECC and all 12 district and borough councils developed the new operating model.

Essex chief executives have been consulted via David Marchant, Chief Executive at Castle Point Borough Council.

Leaders and portfolio holders have been consulted via a number of briefing sessions held throughout the development of the new operating model.

7. Legal Implications (Monitoring Officer)

Cabinet may devolve its functions to another local authority should it wish to do so. However, the mechanics of the operating model will need to be carefully considered once Counsel's advice has been received, to ensure that the most appropriate and lawful option for devolving legal responsibility is deployed.

8. Finance and Resources Implications (Section 151 Officer)

The S151 Officer has approved the business case for this project. The financial highlights of the business case are:

Description	Benefit	Cost
Cost avoidance in 2011/12	£714k	
Additional cost avoidance in 2012/13	£140k	
Implementation costs		£205k
Transitional costs		£50k
Redundancy and Pension Strain		£334k
Project Costs (Project Manager etc.)		£30k
Total Project Benefit 2010 – 2013	+£235k	

£215k non-cashable benefit – partnership will reinvest to further improve service.

Total Annual Benefits (once all benefits enabled) £1.25 - £1.81M.

Assumptions, risks and mitigating actions can be found in the supporting document “CPE Business Case 01251358 Version 3.21.doc”.

9. Human Resources Implications

District and borough council staff within the current operation who qualify under TUPE legislation will transfer to the relevant lead authority.

There are no affected staff to transfer from ECC to the new parking operation.

10. Equality Impact Assessment

Initial Equality Impact Assessment analysis does not indicate any adverse impact the any group. Each partnership will have an Equality Impact Assessment for the new service. ECC will undertake a full Equality Impact Assessment once full details of the new operation are established and agreed.

11. Background papers

CPE solution proposals for authority leaders.ppt
CPE Business Case 01251358 Version 3.21.doc

Delegation of Civil Parking Enforcement

The Cabinet considered report CAB/008/11 by the Cabinet Member for Highways and Transportation that detailed a new parking model which will:

- I. execute Essex County Council's statutory duty for on-street parking and waiting restriction enforcement; and**
- II. remove, over the next two years, the current £900,000 annual deficit support payment that Essex County Council makes to the District and Borough Councils (cost avoidance).**

Resolved:

That a new parking partnership model as set out in report CAB/008/11 be endorsed.