

CABINET RESPONSE TO THE REPORT FROM ENVIRONMENT AND TRANSPORT SELECT COMMITTEE'S ON-STREET PARKING TASK GROUP

Background

1. On 10 November 2011 the Environment and Transport Select Committee considered a report from the reconvened Environment and Transport Select Committee Parking Task Group concerning on street parking charges and enforcement.
2. The Select Committee had agreed to reconvene the task group at its meeting held on the 15 September 2011 to further examine the issues surrounding the finances and business cases for the proposals to introduce on-street parking charges.
3. At full council on the 11 October, the newly appointed Leader, Mr David Hodge, announced a change in proposals to introduce on-street charges, namely that decisions of the Local Committee will not be subject to Cabinet call in. The task group considered changes to the policy in light of their previous recommendations to Cabinet, which were reported and considered on the 24 May 2011.
4. It should be noted that if through efficient operations a financial surplus arises from managing on street parking, this can only be used as defined under Section 55 of the Road Traffic Regulation Act 1984 (as amended). This restricts use of any surplus for the maintenance and/or improvement of the Highway including environmental works or additional parking provision. Members need to be aware that the Road Traffic Regulation Act is not a revenue generating Act and that there is case law which makes it quite clear (Cran – v-London Borough of Camden) that in setting parking charges a highway authority cannot take into consideration extraneous financial matters such as the aim of generating income for other Council projects, however worthy such projects might be.

Recommendations from the Environment and Transport Select Committee

The following recommendations were approved by the Select Committee

1. *The decision to implement, or not implement, on street parking charges should be taken solely by Local Committees without the possibility of call in from the Cabinet.*
2. *Local Committees are allowed to set on street parking charges, and also the prices of on street parking permits, where and at what cost they consider appropriate.*
3. *The introduction of any such scheme should be cost neutral to Surrey County Council.*
4. *It should be at the discretion of the Local Committees whether they wish to insist that the cost of enforcement following the introduction of on street parking charges in individual towns, or locations within their District or Borough, should also be cost neutral.*
5. *Local Committees should liaise with SCC Officers and Enforcement Partners and then decide upon the required levels of enforcement and provision of payment methods and machines, subject to legal compliance and*

recommendation 2 that the schemes must be cost neutral to Surrey County Council.

- 6. Any surpluses remaining from on street parking charging revenues within a particular District or Borough, after enforcement, administration and servicing charges have been deducted, should be allocated to the respective Local Committee to decide how they should be spent. Surpluses must only be spent in accordance with Section 55 of the Road Traffic Regulation Act.*
- 7. Any surplus arising and spent as permitted by the Local Committees should be additional to the 'normal' allocation from the Highways budget i.e. Pay and Display should not subsidise conventional, required expenditure.*
- 8. SCC Officers to provide breakdowns of cost estimates for enforcement and servicing charges for the introduction of on street parking charging schemes within each area.*
- 9. Any proposed enforcement authority must produce a standardised financial report as determined by SCC, detailing all expenditure and costs associated with on street parking enforcement, prior to any contract being signed.*
- 10. Any 'body' is entitled to be considered as a potential enforcement authority providing that they are cost neutral to SCC, and they complete the standardised cost spreadsheet and it is accepted by the relevant Local Committee.*
- 11. These financial reports are to be agreed and accepted by the Local Committee of any area that will be enforced by an authority other than the respective local authority.*
- 12. The profit, or any incentive for any enforcement authority has to be balanced opposite the risks being taken and then agreed by SCC, the Local Committee and where applicable, any enforced authority.*
- 13. SCC should ensure that where on street charges are introduced the benefits of a more efficient enforcement practice are demonstrated immediately.*
- 14. SCC should also use their best endeavours to implement permitted improvements within 12 months, should any surpluses arise in areas where Local Committees have agreed to introduce on street charging.*

Response:

5. The detailed work undertaken by the Environment and Select Committee Task Group is appreciated and will contribute to ensuring that on-street parking operations are properly managed within Surrey.
6. Cabinet firmly supports the recommendation that the decision to implement, or not implement, on street parking charges will be taken solely by Local Committees without the possibility of call in from the Cabinet. It is expected that Local Committees will give due consideration to the advice of Officers in making these decisions.
7. Earlier this year the Cabinet Member for Transport and Environment wrote to all of our District and Borough agents involved with on-street parking enforcement. The suggestion was to look at joint working between the districts and county, to minimise costs for all parties. This was enthusiastically endorsed by our agents, hence over the autumn there has been a considerable amount of progress in developing proposals for joint working. This may impact on operational details, such as how surpluses and deficits are managed. These are being finalised and will be reported to Cabinet and the Select Committee in the New Year.
8. In view of the ongoing work, Cabinet is unable to formally endorse all recommendations at this time. Full assessment and consideration of the joint working proposals need to be completed before formalising Cabinet's position.

Summary and proposed way forward

9. The decision to introduce on-street parking charges will be the responsibility of the appropriate Local Committee. Cabinet will not call in these decisions as there is no longer a countywide programme to consider on-street parking charges.
10. The final proposals from the Districts and Boroughs will be reviewed and reported in the New Year

Ian Lake
Cabinet Member for Transport and Environment
29 November 2011