



**DECRIMINALISED PARKING
ENFORCEMENT**

**LOCAL COMMITTEE FOR WOKING
14 JULY 2004**

KEY ISSUE:

To update the Committee on the progress being made to introduce Decriminalised Parking Enforcement in Woking, and to consider a request from the Member Task Group concerning the duration of the Agency Agreement, period of notice for termination and review, and administration of financial resources.

SUMMARY:

The Member Task Group, formed after the Committee meeting on 12 June 2003, met on 28 May 2004 to discuss the draft Agency Agreement.

The Member Task Group resolved to promote the following alterations within the draft Agency Agreement:

- a) an extension to the duration of the Agreement, 7 years instead of 5 years;
- b) an increase in the period of notice pending termination of the Agreement, 2 years instead of 1 year;

- c) an increase in the initial period of review, 4 years instead of 2 years; and
- d) financial consent to utilise any net surplus from administering the functions of the Agency Agreement within the Borough of Woking.

The County Council's Executive on 28 October 2003 approved the principles of the current draft Agency Agreement. Therefore, the alterations proposed would require endorsement by the County Council's Executive before they could be incorporated into a final Agreement.

It is for this Committee to decide if it should support the alterations and put them before the County Council's Executive for consideration and determination.

CONSULTATIONS:

Member Task Group – County and Borough Members, in association with County and Borough Officers

OFFICER RECOMMENDATIONS:

The Committee is asked to agree:

that the Member Task Group proposals are not supported.

INTRODUCTION and BACKGROUND

1. The Local Committee agreed at its meeting on 12 June 2003 to the establishment of a Member Task Group, with officer participation, to examine the potential of and to progress the introduction of Decriminalised Parking Enforcement (DPE) for the Woking area.
2. Since the progress of DPE was last reported to the Local Committee on 22 October 2003, the Member Task Group has met once, on 28 May 2004. A decision having previously been taken to meet when a Key Task needed to be progressed. In this case, the meeting discussed the draft Agency Agreement that would allow Woking Borough Council to administer DPE on the County Council's behalf.
3. The Committee will also be aware that since its meeting in October, Margaret Hill resigned as a County Councillor to undertake humanitarian work abroad. This left a vacancy on the Member Task Group and an invitation was extended to Mrs Hill's replacement, Councillor Mrs Diana Smith, to fill the vacancy on the Member Task Group. Councillor Mrs Smith kindly accepted the invitation and attended the meeting on 28 May.
4. At the meeting of the Member Task Group, Members were informed that the survey of the on-street restrictions was complete and that the next task would be to compare these with the relevant Traffic Regulation Orders, to identify any anomalies.
5. Members were also informed that the County Council's Consultant, Scott Wilson, would be engaged to undertake the preparation of the Special Parking Area (SPA) Application that will need to be submitted to and agreed by the Department for Transport before DPE can be introduced. Scott Wilson has undertaken similar work in Runnymede and Mole Valley.

ANALYSIS AND COMMENTARY

6. During the Member Task Group discussion about the draft Agency Agreement, Woking Borough Council raised a number of queries. Some of these were minor points of detail and could be resolved by the Member Task Group. However, discussions about duration of the Agreement, notice period before termination and review, and use of financial surpluses requires the approval of the County Council's Executive before these changes are incorporated into a revised Agency Agreement. Therefore, this Committee must decide if it should support the proposed changes and put them before the County Council's Executive for consideration and determination. The proposed changes are as follows:
 - a. an extension to the duration of the Agreement, 7 years instead of 5 years;
 - b. an increase in the period of notice pending termination of the Agreement by either party, 2 years instead on 1 year;
 - c. an increase in the initial period of review, 4 years instead of 2 years; and
 - d. financial consent to utilise any net surplus from administering the functions

of the Agency Agreement within the Borough of Woking.

7. The County Council's Executive on 28 October 2003 supported the Leader of the Council's approach to seek to establish simple Agency Agreements with the Boroughs and Districts whereby the Borough/District would administer DPE on behalf of the County Council.
8. The County Council would meet all the initial start up costs of the agreed scheme and receive all income from penalties and County Court actions. It was proposed to run Agency Agreements that way for an initial two-year period until a better idea of the costs, income and effectiveness of the arrangements could be ascertained and reviewed. The aim being to create a partnership based Agreement aimed at integration of parking policy, management and operation across the County. The County Council's Executive resolution reflects these aspirations for a five-year period.
9. Woking Borough Council currently operates an Agency Agreement for administering Controlled Parking Zones within the Borough and remains confident that with the right agreement it can also administer DPE locally on behalf of the County Council. Woking Borough Council considers the extended timeframes are beneficial to the successful operation of DPE within Woking. However, the County Council must consider the operation of DPE across the County as a whole.

Two-year Review Period – (c)

10. A consistent two-year review period will enable the County Council to ascertain common parameters by which to judge the process of delivering DPE within its area, making adjustments as necessary to ensure compatibility with other medium to long term transportation aims and objectives. An extended review period to four-years may hinder that process.
11. The Member Task Group is not proposing to seek an extension to the initial period of financial support (two-years) to establish DPE within Woking.

Notice Period before Termination – (b)

12. It is common practice with simple Agency Agreements as proposed by the County Council's Executive for DPE that the notice period for termination of the Agreement by either party be set at 12 months. It provides sufficient notice for either party to either disengage or establish alternate working practices without significant detriment to service delivery.
13. Woking Borough Council's existing Controlled Parking Zone Agency Agreement contains a 12-month notice period for termination by either party.

Duration of the Agreement – (a)

14. In taking a consistent approach to the delivery of DPE across the County, the County Council's Executive has settled for a five-year period for the initial Agency Agreements.

15. In so doing it will enable the review of the process to occur in two-years time, determine the many uncertainties and establish the effectiveness of the arrangements, allow for adjustments and if necessary ensure sufficient period of notice, 12 months, for a termination, should this become necessary.

Timeframe Conclusions

16. The Officer recommendation is that no change be made to the wording of the draft Agency Agreement with respect to the Member Task Group's proposals in paragraph 6, - a) to c), above.

FINANCIAL IMPLICATIONS – (d)

17. The County Council's financial model for implementation and operation of DPE across the County showed that there is no expectation of surpluses being generated following implementation of DPE. However, if DPE surpluses are generated in one area these must be offset against deficits in another. The County Council's Transportation budget would otherwise fund the accumulated shortfall in funding with a resultant impact on services.
18. It is therefore essential for the County Council to seek to minimise the financial impact of DPE by redistributing any net surpluses across the County. The draft Agency Agreement stipulates that the County Council has sole discretion to use any surplus to reduce or eliminate deficits in other Boroughs or Districts in Surrey. Deficits locally being paid by the County Council.
19. The Member Task Group proposal is that any surplus should be used within the Borough of Woking within certain parameters of the Road Traffic Act 1984 and that this Committee should independently and with absolute discretion determine the expenditure. The Member Task Group proposes no change to the reimbursement of any local deficit by the County Council.
20. The Member Task Group's proposal uses the same wording as currently contained with Woking Borough Council's existing Agency Agreement for Controlled Parking Zones.
21. The Committee must decide whether it supports the alternate financial proposal from the Member Task Group and should consider the consequence of the County Council's Executive withdrawing their support to reimburse any local DPE deficit from central resources.

Financial Conclusion

22. The Officer recommendation is that no change be made to the wording of the existing draft Agency Agreement with respect to the reallocation of any surplus associated with administering the Agreement.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

23. Enforcement of existing and proposed waiting restrictions should reduce

congestion and the dangers from illegally stopped vehicles, bringing benefits to all highway users and the private and business communities.

CRIME & DISORDER IMPLICATIONS

24. Waiting and loading restrictions are provided to serve a transportation purpose on the highway network. Currently enforcement of these restrictions by the Police is limited to key areas that generate concern. DPE should encourage greater observance of the restrictions thereby minimising potential illegal behaviour.

EQUALITIES IMPLICATIONS

25. The enforcement of waiting and loading restrictions should assist those with mobility problems and help manage facilities for disabled parking.

CONCLUSIONS AND REASONS FOR RECOMMENDATIONS

26. The County Council's Executive is seeking a simple Agency Agreement with Boroughs or Districts for an initial five-year period, with a review after two-years to assess the effectiveness of DPE. The Agreement includes a 12 month period of notice should either party wish to terminate the Agreement.
27. The Member Task Group is supportive of Woking Borough Council's belief that an extended Agreement period of seven-years is more appropriate with a review after four-years and a 24 month period of notice for termination.
28. It is essential for the County Council to minimise the financial impact of introducing DPE across the County. Its financial model requires that any surplus generated in one area be offset to counterbalance any deficit in another. The DPE Agreement provides for the County Council to redistribute surpluses as necessary.
29. The Member Task Group supports Woking Borough Council's view that any surplus generated by DPE in Woking be used in Woking as determined by this Committee, independently and with absolute discretion as per the current Controlled Parking Zone Agency Agreement.
30. The County Council is attempting to take a consistent approach to delivery of DPE across the County. The alternate proposals make significant changes to the Agency Agreement, which could affect the County Council's basic philosophy in delivering DPE. This Committee will firstly need to support the proposals before submitting them to the County Council's Executive for consideration and determination.
31. The Officer recommendation to the Member Task Group proposals is that no change be made to the wording of the existing draft Agency Agreement with respect to either the timeframe or reallocation of any surplus finances associated with administering the Agency Agreement.

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BACKGROUND PAPERS:

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